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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

- - - - -X
UNITED STATES OF AMERICA 18-CR-6094(G)

vs.
CARLOS JAVIER FIGUEROA, Rochester, New York
Defendant. June 4, 2021
8:30 a.m.
- - - - -X

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE FRANK P. GERACI, JR.
UNITED STATES DISTRICT CHIEF JUDGE

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United States Attorney
BY: ROBERT A. MARANGOLA, ESQ.
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Appearing on behalf of the United States

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Appearing on behalf of the Defendant

ALSO PRESENT: Gabriela Loncar, Spanish Interpreter
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I N D E X

WITNESS FOR THE GOVERNMENT

Roberto Figueroa

Direct examination by Mr. Marangola

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P R O C E E D I N G S

* * *

(WHEREUPON, the defendant is present).

THE COURT: Good morning.

MR. MARANGOLA: Good morning, Your Honor.

MR. VACCA: Good morning, Judge.

THE COURT: Ready to proceed?

MR. MARANGOLA: Yes, Judge.

MR. VACCA: Yes, Your Honor.

THE COURT: Bring the witness and the jury out.

MR. MARANGOLA: Judge, we've remarked Exhibit 8. It was the calendar that the Court had accepted after taking judicial notice.

THE COURT: Did you say 8?

MR. MARANGOLA: 8, yes. And when I printed it, it didn't print the holidays -- New Year's day and specifically Martin Luther King day. We printed a new one and I marked it Government's 8A and I've shown it to Mr. Vacca.

So I will be asking the Court to take judicial notice of that and offer that in the beginning. I just wanted to let the Court know.

THE COURT: Any objection to 8A?

MR. VACCA: No, Your Honor.

THE COURT: 8A will be received.

(WHEREUPON, Government's Exhibit 8A was received

1 into evidence).

2 (WHEREUPON, the jury is present).

3 **THE COURT:** Good morning, members of the jury. As
4 soon as the witness is brought out we can continue.

09:09:57AM 5 Mr. Figueroa, I do remind you you remain under
6 oath. Do you understand?

7 **THE WITNESS:** Yes.

8 **THE COURT:** Thank you. Members of the jury,
9 Exhibit 8A has been received in evidence. You may proceed.

09:10:10AM 10 **MR. MARANGOLA:** Thank you, Your Honor.

11 **BY MR. MARANGOLA:**

12 Q. Good morning, Mr. Figueroa.

13 A. Good morning.

14 Q. When you were participating in this drug operation that
09:10:24AM 15 we've been discussing, did you and your brother Javi and other
16 members of the operation discuss the arrival of new shipments
17 of cocaine from Puerto Rico?

18 **MR. VACCA:** Objection, Your Honor, discussing.

19 **THE COURT:** Statements made within the conspiracy,
09:10:42AM 20 overruled. You may answer the question.

21 **THE WITNESS:** Yes.

22 **BY MR. MARANGOLA:**

23 Q. All right. I'd like to flip -- I think your binder has
24 already been opened to 1-63.

09:11:05AM 25 A. Yes.

1 Q. Take a look at the transcript behind that tab. And can
2 you tell us are your initials on that transcript?

3 A. Yes.

4 Q. Did you listen to the call corresponding to that
09:11:15AM 5 transcript?

6 A. Yes.

7 Q. All right. And these are some of the numbers that we saw
8 yesterday, correct? This transcript reflects an incoming call
9 to your brother Javi's *maraca*, the number ending in 8156; is
09:11:31AM 10 that right?

11 A. Yes.

12 Q. From the number ending in 4520; is that right?

13 A. Yes.

14 Q. And who are the participants in this call?

09:11:41AM 15 A. Obed and my brother Javi.

16 **MR. MARANGOLA:** At this time, Your Honor, I'd offer
17 the call corresponding to 1-63.

18 **MR. VACCA:** I would object to that, Your Honor, on
19 grounds of bolstering. We've been through several of these
09:11:54AM 20 phone calls, many of them are duplications or reduplications
21 and I would object on those grounds.

22 **THE COURT:** Okay. Overruled. Exhibit 1-63 will be
23 received.

24 (**WHEREUPON**, Government's Exhibit 1-63 was received
09:12:09AM 25 into evidence).

1 **BY MR. MARANGOLA:**

2 Q. Mr. Figueroa, do you see -- while the jury is getting
3 their binders out, do you see the calendar on your screen
4 there Government's 8A?

09:12:21AM 5 A. Yes.

6 Q. And that exhibit reflects the holiday of Martin Luther
7 King day on Monday, January the 15th; is that right?

8 A. Yes.

9 Q. And this call here is on Tuesday, January 16th; is that
09:12:38AM 10 correct?

11 A. Yes.

12 Q. All right. If we could play this call? Mr. Figueroa,
13 based on your participation and familiarity with this
14 operation, do you have an opinion as to what Javi and Obed
09:15:44AM 15 were discussing in this call that we just heard?

16 A. Yes.

17 Q. Can you tell us what that is?

18 **MR. VACCA:** Objection, Your Honor.

19 **THE COURT:** Overruled. Go ahead.

09:15:53AM 20 **THE WITNESS:** My brother and Obed was talking about
21 the boxes from Puerto Rico, the cocaine that was coming from
22 Puerto Rico.

23 **BY MR. MARANGOLA:**

24 Q. When Obed asked your brother Javi are we going to have a
09:16:05AM 25 shortage, what do you understand Obed to be asking your

1 brother?

2 **MR. VACCA:** Objection, Your Honor.

3 **THE COURT:** Overruled.

4 **THE WITNESS:** If they was gonna have enough to serve
09:16:14AM 5 the people, enough cocaine.

6 **BY MR. MARANGOLA:**

7 Q. All right. And then your brother said no, and then later
8 he said first come, first serve. Did you ever hear your
9 brother use that expression first come, first serve?

09:16:30AM 10 A. Yes.

11 Q. In what context did you hear him use that expression first
12 come first serve?

13 A. He use it when we gonna sell it to somebody and we got a
14 deal going, he just tell you make sure you tell them that come
09:16:44AM 15 before anybody; if not, we're not gonna serve you because the
16 coke, it's gonna be gone.

17 Q. The what is gonna be gone?

18 A. The coke.

19 Q. All right. If you could flip to tab 1-69 in your binder.
09:17:18AM 20 Are your initials on that transcript?

21 A. Yes.

22 Q. Did you listen to the call corresponding to this
23 transcript?

24 A. Yes.

09:17:22AM 25 Q. And who are the participants in this call?

1 A. This is my brother Javi and Obed.

2 Q. All right. And this call is on January 18th, 2018; is that
3 correct?

4 A. Yes.

09:17:34AM 5 Q. At 11:43 a.m.?

6 A. Yes.

7 **MR. MARANGOLA:** I'd offer the call corresponding to
8 1-69.

9 **THE COURT:** Mr. Vacca?

09:18:00AM 10 **MR. VACCA:** No objection, Your Honor.

11 **THE COURT:** Overruled. 1-69 will be received.

12 (**WHEREUPON**, Government's Exhibit 1-69 was received
13 into evidence).

14 **BY MR. MARANGOLA:**

09:18:12AM 15 Q. Mr. Figueroa, this is an incoming call from Obed's number
16 to Javi's *maraca*; is that correct?

17 A. Yes.

18 Q. All right. I'd like first to play pole camera footage from
19 the night before on January 17th, 2018, at 8:05 p.m. from
09:18:31AM 20 Barrington that's off Government's 22, the pole camera
21 compilation. Do you see a vehicle pull into the driveway at
22 292 Barrington in that clip, Mr. Figueroa?

23 A. Yes.

24 Q. This is at 8:05 on January 17th, 2018?

09:19:00AM 25 A. Yes.

1 Q. Did you recognize that vehicle?

2 A. Yes.

3 Q. What vehicle is it?

4 A. That's Leitscha vehicle.

09:19:14AM 5 Q. Can you tell us who just exited the front passenger door
6 of Leitscha's vehicle?

7 A. Yes, my brother Javi.

8 Q. Do you see another person walking from the driver's side
9 of the vehicle up to the house?

09:19:45AM 10 A. Yes.

11 Q. Who is that?

12 A. That's Leitscha.

13 Q. What are Leitscha and your brother Javi doing now?

14 A. Going inside Barrington.

09:20:15AM 15 Q. All right. What did we see there?

16 A. They going inside the house.

17 Q. All right. Now, if we could play footage from 8:52 p.m.
18 that same evening, and this -- we're playing this off of
19 Government's Exhibit 16, which is the hard drive of the pole
09:20:33AM 20 camera footage from Barrington.

21 Did you just see someone walking along the driveway
22 when the lights flickered? And we have it paused at
23 approximately 8 seconds in.

24 A. Yes.

09:20:54AM 25 Q. Did you recognize that person?

1 A. Yes.

2 Q. Who is that?

3 A. Leitscha.

4 Q. If we could play. What did she do?

09:21:23AM 5 A. Get inside the car.

6 Q. What's happening now?

7 A. She's leaving.

8 Q. All right. If we can now play the clip from approximately

9 seven minutes later at 8:59. And this is off Exhibit 20, the
09:21:42AM 10 hard drive for the pole camera at 820 East Main.

11 All right, at 8:59 what do we see here,

12 Mr. Figueroa?

13 A. She arriving at East Main.

14 Q. What did you see happen there?

09:22:28AM 15 A. She got out of the car.

16 Q. Do you see her there?

17 A. Yes.

18 Q. What is she doing?

19 A. She about to go inside the building.

09:23:03AM 20 Q. All right. So what time did she enter the building
21 approximately?

22 A. 9 o'clock.

23 Q. All right. If we can now play 9:07 from Exhibit 20, the

24 hard drive for the pole camera footage at 820 East Main. This

09:23:21AM 25 is 9:07 p.m. the same day. What did you just see in the

1 beginning of that clip?

2 A. I saw her get out of the building.

3 Q. What did you see her do there?

4 A. She got a book bag, she about to go inside the car.

09:24:02AM 5 Q. All right. We'll stop the clip there. And at this time
6 I'd like to play the call that you have in front of you
7 corresponding to tab 1-69, which is the next day, January 18th
8 at 11:43 a.m..

9 Mr. Figueroa, based on your participation and
09:25:18AM 10 familiarity with this operation, can you tell us do you have
11 an opinion as to what Obed was telling Javi when he called him
12 in this call?

13 MR. VACCA: Objection, Your Honor.

14 THE WITNESS: Yes.

09:25:29AM 15 THE COURT: Overruled. Go ahead. You can answer.

16 THE WITNESS: Yes.

17 BY MR. MARANGOLA:

18 Q. What is that?

19 A. He refers to how many packages he -- he was doing, how
09:25:38AM 20 many packages of coke he start doing.

21 Q. All right. When he says I did 18 in total, that's a
22 reference to -- what do you understand it to be?

23 MR. VACCA: Objection, Your Honor.

24 THE COURT: Overruled.

09:25:55AM 25 THE WITNESS: The packages of coke.

1 BY MR. MARANGOLA:

2 Q. All right. And this is on January 18th, 2018, he made that
3 call; is that correct?

4 A. Yes.

09:26:04AM 5 Q. I'd like to put on the visualizer Government's Exhibit
6 693. Do you see an entry on this page next to the date
7 January 18th?

8 A. Yes.

9 Q. And it says 18 and then N-E-N-E; is that right?

09:26:34AM 10 A. Yes.

11 Q. And whose *nene*?

12 A. That's Obed.

13 Q. All right. And then it also says and Jash; is that right?

14 A. Yes.

09:26:44AM 15 Q. All right. And then there's a number next to Jash?

16 A. Yes.

17 Q. And a date above the number next to Jash; is that right?

18 A. Yes.

19 Q. All right. Then next to *nene*, is that the same or
09:27:03AM 20 different -- I'm sorry, the number next to *nene*, the 18, is
21 that the same or a different number than Obed told Javi he did
22 in the call we just heard?

23 MR. VACCA: Objection, Your Honor.

24 THE COURT: Overruled. Go ahead.

09:27:15AM 25 THE WITNESS: No, it's not different.

1 **BY MR. MARANGOLA:**

2 Q. It's not different?

3 A. No.

4 Q. It's the same number?

09:27:23AM 5 A. It's the same number, yes.

6 Q. All right. At this time I'd like to ask you to flip to
7 tab 1-77. Are your initials on that transcript?

8 A. Yes.

9 Q. Did you listen to the call that corresponds to that
09:27:54AM 10 transcript?

11 A. Yes.

12 Q. Who are the speakers in this call?

13 A. My brother Carlos, Obed and Jashua.

14 Q. You said who?

09:28:04AM 15 A. My brother Javi.

16 Q. All right.

17 **MR. MARANGOLA:** At this time I'd offer the call
18 corresponding to tab 1-77.

19 **MR. VACCA:** Your Honor, I would object at this time.
09:28:15AM 20 We've been through this before. It's a reduplication, it's
21 bolstering, and there's been insufficient foundation.

22 **MR. MARANGOLA:** Judge, may I be heard on that? We
23 have not played this call at all.

24 **THE COURT:** Yes, overruled. 1-77 will be received.

09:28:30AM 25 **MR. MARANGOLA:** Thank you.

1 (WHEREUPON, Government's Exhibit 1-77 was received
2 into evidence).

3 **BY MR. MARANGOLA:**

4 Q. Mr. Figueroa, Jashua Figueroa is who?

09:28:38AM 5 A. That's my nephew.

6 Q. Whose mother is who?

7 A. Ingrid Mercado.

8 Q. All right. If we could play this call, please.

9 Mr. Figueroa, based on your participation and familiarity with
09:29:53AM 10 this operation, can you tell the jury do you have an opinion
11 as to what your brother was calling and asking Obed when he
12 said so did you finish?

13 A. He was telling my --

14 **MR. VACCA:** Objection, Your Honor.

09:30:09AM 15 **THE COURT:** Overruled. Go ahead.

16 **THE WITNESS:** My brother Javi was telling Obed he
17 did finish packaging the coke -- if he finished.

18 **BY MR. MARANGOLA:**

19 Q. In the call Javi asks Obed did you finish?

09:30:22AM 20 A. Yes.

21 Q. What's your understanding of what he was asking Obed?

22 **MR. VACCA:** Objection, Your Honor, trying to delve
23 into the state of mind of someone.

24 **THE COURT:** I'm going to sustain the objection at
09:30:35AM 25 this time.

1 **BY MR. MARANGOLA:**

2 Q. All right. When Obed said to -- after Javi asks Obed where
3 Jashua at, and Obed responded he's helping me, based on your
4 participation in this conspiracy, what do you understand Obed
09:30:53AM 5 to be referring to when he says he's helping me?

6 **MR. VACCA:** Objection, Your Honor, again asking for
7 opinion testimony.

8 **THE COURT:** Sustained.

9 **BY MR. MARANGOLA:**

09:31:09AM 10 Q. All right, if we could go back to the visualizer,
11 Ms. Rand, please.

12 Mr. Figueroa, do you see the number next to Jashua,
13 the 9, and then the superscript, the small numbers above it,
14 42?

09:31:32AM 15 A. Yes.

16 Q. Can you tell us based on your observations of notes that
17 Leitscha wrote, what are those an indication of?

18 **MR. VACCA:** Objection, Your Honor, again asking for
19 an opinion, no foundation to render an opinion.

09:31:50AM 20 **MR. MARANGOLA:** He's a co-conspirator, Judge, and
21 he's testified to seeing these observations -- seeing these
22 writings, he's entitled --

23 **THE COURT:** He didn't see these written. I sustain
24 the objection.

09:31:58AM 25 **BY MR. MARANGOLA:**

1 Q. Mr. Figueroa, did you see Leitscha make notes where there
2 was a number and then a small number next to the bigger
3 number?

4 A. Yes.

09:32:08AM 5 Q. And I think I previously asked you about that, you saw her
6 make those writings in notebooks before?

7 A. Yes.

8 Q. When she did that, what were those writings for?

9 **MR. VACCA:** Objection, Your Honor, asking him to
09:32:22AM 10 render an opinion based on something that we don't have with
11 us that was done in the past.

12 **THE COURT:** Overruled. I'll allow that question.
13 Go ahead.

14 **THE WITNESS:** Because Leitscha was in charge of the
09:32:33AM 15 notebook everybody -- the money was going out, when it was
16 coming in, and every time we work we packaging the coke, the
17 little baggies, how many packages that we finish, she write
18 down the number.

19 We do 40, and the number on the top -- the little
09:32:47AM 20 small number on the top mean the actual baggies. You suppose
21 to put 50 \$5 bags in a package, so when extra baggies she
22 write it down; she say how many packages, and the little
23 baggies on the top, that's what that number mean.

24 **BY MR. MARANGOLA:**

09:33:02AM 25 Q. All right. If we can go to call -- I'd like you to flip to

1 tab 1-82, Mr. Figueroa. Are your initials on that transcript?

2 A. Yes.

3 Q. Did you review the call corresponding to this transcript?

4 A. Yes.

09:33:33AM 5 Q. Who are the speakers in this call?

6 **MR. VACCA:** Objection, Your Honor.

7 **THE COURT:** Overruled. He can say who the speakers
8 are. Go ahead.

9 **THE WITNESS:** My brother Javi and Obed.

09:33:43AM 10 **BY MR. MARANGOLA:**

11 Q. All right.

12 **MR. MARANGOLA:** At this time I'd offer the call
13 corresponding to 1-82.

14 **MR. VACCA:** Objection, Your Honor.

09:33:53AM 15 **THE COURT:** Overruled. 1-82 will be received.

16 (**WHEREUPON**, Government's Exhibit 1-82 was received
17 into evidence).

18 **BY MR. MARANGOLA:**

19 Q. Before we play this, Mr. Figueroa, did you use a code as a
09:34:03AM 20 member of this operation or hear Javi or Obed use a code for
21 old ladies?

22 A. Yes.

23 Q. What was that a code for?

24 A. For 62s.

09:34:11AM 25 Q. 62 gram quantities of what?

1 A. Of coke.

2 Q. If we could play the call. This was an incoming call from
3 Obed to your brother Javi; is that right?

4 A. Yes.

09:34:47AM 5 Q. In which Obed asked your brother for four old ladies?

6 **MR. VACCA:** Objection, Your Honor, leading; also,
7 the document speaks for itself.

8 **THE COURT:** Overruled. I'll allow it. Go ahead.

9 **THE WITNESS:** Can you repeat the question, please?

09:35:03AM 10 **BY MR. MARANGOLA:**

11 Q. I'll move on to the next call. That's all right.

12 Let's go to 1-83. Are your initials on that
13 transcript, Mr. Figueroa?

14 A. Yes.

09:35:22AM 15 Q. And did you listen to the call corresponding to this
16 transcript?

17 A. Yes.

18 Q. And who are the speakers in this call?

19 **MR. VACCA:** Objection, Your Honor.

09:35:34AM 20 **THE COURT:** Overruled.

21 **THE WITNESS:** My brother Javi and Obed.

22 **BY MR. MARANGOLA:**

23 Q. Is there another speaker listed --

24 A. Yes.

09:35:41AM 25 Q. -- as well?

1 A. Yes, Sheily.

2 Q. Shirley?

3 A. Yes.

4 Q. And who is that?

09:35:46AM 5 A. That's Obed baby moms.

6 Q. Are you familiar with the voice of Shirley from having
7 listened to her speak in person before?

8 A. Yes.

9 Q. On more than one occasion during the time you were part of
09:35:56AM 10 this conspiracy?

11 A. Yes.

12 Q. All right. And this call is on January 19th at 5:26 p.m.;
13 is that correct?

14 A. Yes.

09:36:08AM 15 **MR. MARANGOLA:** At this time I'd offer a call
16 corresponding to Government's 1-83.

17 **MR. VACCA:** I would object to that, Your Honor.

18 **THE COURT:** Overruled. 1-83 will be received.

19 (**WHEREUPON**, Government's Exhibit 1-83 was received
09:36:20AM 20 into evidence).

21 **BY MR. MARANGOLA:**

22 Q. Before we play this call I'd like to play the pole camera
23 from the same date, January 19th, 2018, at 6 Burbank.

24 **THE COURT:** What exhibit is this, 22?

09:36:36AM 25 **MR. MARANGOLA:** Yes, Judge, Exhibit 22, the clip at

1 5:13.

2 **BY MR. MARANGOLA:**

3 Q. Do you recognize the two vehicles in your brother Javi's
4 driveway?

09:37:06AM 5 A. Yes.

6 Q. What two vehicles?

7 A. That's my Acura and my brother Javi's truck.

8 Q. Do you recognize the person in pink and the person in the
9 greenish dark jacket that just came out?

09:37:31AM 10 A. Yes.

11 Q. Who is who?

12 A. The one in the green, that's my baby moms, Nioslen; and
13 the one in the pink, that's Nishy, my brother's girl.

14 Q. Did Nishy just get in the vehicle?

09:37:48AM 15 A. Yes.

16 Q. All right. And who is Nishy?

17 A. That's my brother Javi baby mom.

18 Q. All right. Are you familiar with Nishy based on your
19 relationship -- if you could pause it here -- based on your
09:38:04AM 20 relationship with your brother Javi?

21 A. Yes.

22 Q. And have you also heard her speak in person on numerous
23 occasions during this conspiracy?

24 A. Yes.

09:38:14AM 25 Q. Okay. And at 5:14 -- or at 1:15 in the clip we have paused

1 here, do you see an individual with the red sweatshirt and red
2 hat in the driveway?

3 A. Yes.

4 Q. Do you recognize that person?

09:38:26AM 5 A. Yes.

6 Q. Who is that?

7 A. That's my brother Javi.

8 Q. All right. If we could play. What did we just observe
9 there?

09:38:57AM 10 A. They left the driveway.

11 Q. Who left the driveway?

12 A. The Acura left the driveway.

13 Q. With Nioslen and Nishy?

14 A. Yes.

09:39:06AM 15 Q. Now, we fast forward it to 2:27 in the clip. What's
16 happening now?

17 A. My brother is leaving the driveway.

18 Q. And it's 5:15 p.m.; is that right?

19 A. Yes.

09:39:42AM 20 Q. All right. And he just left the driveway at 6 Burbank?

21 A. Yes.

22 Q. All right. Now if we could play the call corresponding to
23 1-83, which is at 5:26, approximately 11 minutes later.

24 Mr. Figueroa, where did Obed live in January of
09:40:35AM 25 2018.

1 A. East Main.

2 Q. Which building on East Main?

3 A. The new building right next to Wendy's.

4 Q. At this time I'd like to publish from Government's Exhibit

09:40:46AM 5 22, the pole camera compilation, the pole camera footage for

6 5:28, approximately two minutes after the call. Do you see

7 the door open at the back of the East Main building here?

8 A. Yes.

9 Q. How many individuals do you see walking away from the

09:41:23AM 10 building at 820 East Main?

11 A. Two.

12 Q. Do you recognize either of those two individuals?

13 A. Yes.

14 Q. All right. And what did you see happening here at 40

09:41:41AM 15 seconds into the clip?

16 A. My brother arrive.

17 Q. Your brother arrived?

18 A. My brother Javi arrive, yeah.

19 Q. Who do the individuals -- the two individuals in the

09:41:51AM 20 parking lot appear to be on foot?

21 A. That's Obed and Jashua.

22 Q. What is happening now less than a minute later?

23 A. They leaving.

24 Q. Everyone's leaving in your brother's truck?

09:42:17AM 25 A. Yes.

1 Q. All right. If we can go to 1-73. Are your initials on
2 that transcript?

3 A. Yes.

4 Q. Okay. Did you listen to the call corresponding to that
09:42:59AM 5 transcript?

6 A. Yes.

7 Q. And who are the speakers in this call?

8 A. Nishayra and my brother Javi.

9 Q. Who is Nishayra?

09:43:13AM 10 A. My brother Javi's wife.

11 Q. This call is on January 19th at 12:24 p.m.; is that
12 correct?

13 A. Yes.

14 **MR. MARANGOLA:** At this time I'd offer the call
09:43:30AM 15 corresponding to tab 1-73.

16 **MR. VACCA:** If I could just have a moment, Your
17 Honor?

18 **THE COURT:** Sure.

19 **MR. VACCA:** I'd object on grounds of relevancy, Your
09:44:14AM 20 Honor.

21 **THE COURT:** 1-73 will be received. Objection is
22 overruled.

23 (**WHEREUPON**, Government's Exhibit 1-73 was received
24 into evidence).

09:44:27AM 25 **BY MR. MARANGOLA:**

1 Q. If we could -- before we play the call, Mr. Figueroa, the
2 target number ending in 8057, and you identified that
3 previously as your brother's personal phone number; is that
4 correct?

09:44:41AM 5 A. Yes.

6 Q. This is an incoming call from 766-8570 at 12:24:11. If we
7 can play the call.

8 All right, if we could play from Government's
9 Exhibit 22, the pole camera compilation, the pole cam clip
09:45:44AM 10 from 12:25, less than a minute later, at Barrington.

11 What did you see in that clip, Mr. Figueroa?

12 A. My brother Javi arrive in the driveway at Barrington.

13 Q. All right. If we can fast forward now to 2:16 in the
14 clip. What do you see now?

09:46:27AM 15 A. My brother Javi got out of the truck walking up.

16 Q. Where did he go?

17 A. Barrington, inside 292 Barrington.

18 Q. Do you know where your brother was before he came into
19 Barrington on this day at this time?

09:46:52AM 20 **MR. VACCA:** Objection, Your Honor, relevancy.

21 **THE WITNESS:** I probably did, but I'm not sure.

22 **THE COURT:** Hang on. The objection is sustained.

23 **BY MR. MARANGOLA:**

24 Q. All right.

09:47:02AM 25 A. I'm sorry.

1 Q. Mr. Figueroa, I'd like to now play the pole camera clip at
2 12:30 that same day, approximately five minutes later than the
3 one we just saw.

4 What are we looking at here?

09:47:23AM 5 A. That's me getting out of the house.

6 Q. Out of 292 Barrington?

7 A. Yes.

8 Q. Approximately five minutes later after your brother came
9 in?

09:47:32AM 10 A. Yes.

11 Q. Why are you going outside right now?

12 A. To get the box of coke.

13 Q. What do you see yourself doing in this clip at
14 approximately 30 seconds into it?

09:47:55AM 15 A. I grab the box out the truck.

16 Q. Out of whose truck?

17 A. My brother Javi's truck.

18 Q. How did you know to go outside and grab the box of coke
19 from Javi's truck?

09:48:07AM 20 A. My brother told me to go get it.

21 Q. Was that box eventually opened?

22 A. Yes.

23 Q. And can you tell us what was in that box after it was
24 opened?

09:48:23AM 25 A. 2 kilo of cocaine.

1 Q. All right. If we could go to tab 1-75. Are your initials
2 on this transcript?

3 A. Yes.

4 Q. Did you listen to the call corresponding to that
09:48:52AM 5 transcript?

6 A. Yes.

7 Q. And who are the speakers in this call?

8 **MR. VACCA:** Objection, Your Honor.

9 **THE COURT:** Overruled.

09:49:00AM 10 **BY MR. MARANGOLA:**

11 Q. If the judge says overruled you can answer it.

12 **THE COURT:** You can answer it.

13 **THE WITNESS:** Yes.

14 **BY MR. MARANGOLA:**

09:49:06AM 15 Q. Who are they?

16 A. Obed and my brother Javi.

17 Q. And this is approximately an hour and a half after we
18 observed you enter the house with the box containing kilos; is
19 that right?

09:49:21AM 20 A. Yes.

21 **MR. MARANGOLA:** At this time I'd offer the call
22 corresponding to tab 1-75.

23 **MR. VACCA:** I'd object to that, Your Honor, on
24 grounds of foundation and relevancy.

09:49:34AM 25 **THE COURT:** Overruled. Exhibit 1-75 will be

1 received.

2 (WHEREUPON, Government's Exhibit 1-75 was received
3 into evidence).

4 **BY MR. MARANGOLA:**

09:49:41AM 5 Q. Mr. Figueroa, this reflects an outgoing call from your
6 brother Javi's *maraca* to Obed's 4520 number; is that right?

7 A. Yes.

8 Q. All right. If we could play the call. Mr. Figueroa,
9 based on your participation and familiarity with this
09:51:42AM 10 operation, can you tell the jury do you have an opinion as to
11 what your brother was referring to when he said in this
12 call -- when he said the ones that came in are leaving right
13 now?

14 A. My brother --

09:51:56AM 15 **MR. VACCA:** Objection, Your Honor.

16 **THE COURT:** Overruled.

17 **MR. VACCA:** Asking him to render an opinion, though.

18 **THE COURT:** Overruled. Go ahead.

19 **THE WITNESS:** He telling Obed that once they arrive
09:52:04AM 20 they already sold, they already spoken for.

21 **BY MR. MARANGOLA:**

22 Q. What are you referring to when you say the ones?

23 A. The 2 kilo of cocaine.

24 Q. All right. If you could flip to tab 1-78. Mr. Figueroa,
09:52:34AM 25 let me know when you're at that tab.

1 A. I'm there.

2 Q. You're on it?

3 A. Yes.

4 Q. Are your initials on the transcript behind tab 1-78?

09:52:52AM 5 A. Yes.

6 Q. Did you listen to the call corresponding to that
7 transcript?

8 A. Yes.

9 Q. Who are the participants in this call?

09:53:00AM 10 A. Me and my brother Javi.

11 Q. And this call is on the same day that we've been listening
12 to January 19th at 3:34 p.m.; is that right?

13 A. Yes.

14 Q. About an hour and a half after the call we just heard?

09:53:14AM 15 A. Yes.

16 Q. All right. And the number -- the target number here, that
17 was the number you identified yesterday as your *maraca*; is
18 that right?

19 A. Yes.

09:53:24AM 20 Q. All right.

21 **MR. MARANGOLA:** At this time I'd offer the call
22 corresponding to 1-78.

23 **MR. VACCA:** Can I have a *voir dire*, Your Honor?

24 **THE COURT:** Sure.

09:53:36AM 25 **MR. VACCA:** Mr. Figueroa, you have in front of

1 you -- it's 1-78; is that correct?

2 **THE WITNESS:** Yes.

3 **MR. VACCA:** And you've indicated that you reviewed
4 this, this number, and the contents of that number; is that
09:54:02AM 5 correct?

6 **MR. MARANGOLA:** Objection, that was beyond the scope
7 of the question I asked.

8 **THE COURT:** Overruled. You can answer that.

9 **THE WITNESS:** Yes.

09:54:09AM 10 **MR. VACCA:** And in that document it indicates
11 direction, and it looks like a number sign or pound sign; is
12 that correct?

13 **THE WITNESS:** What you referring? I don't
14 understand that question.

09:54:25AM 15 **MR. VACCA:** It says direction and pound sign and
16 unknown, correct?

17 **MR. MARANGOLA:** Objection. Is counsel referring to
18 the transcript?

19 **MR. VACCA:** I'm referring to the transcript, yeah.

09:54:32AM 20 **MR. MARANGOLA:** Okay.

21 **THE WITNESS:** Yes.

22 **MR. VACCA:** Okay. And reference says zero, correct?

23 **THE WITNESS:** Yes.

24 **MR. VACCA:** What does unknown mean?

09:54:45AM 25 **MR. MARANGOLA:** Objection, Your Honor, beyond the

1 scope of the witness's testimony. Investigator Briganti
2 testified to that.

3 **THE COURT:** Sustained.

4 **MR. VACCA:** Then it has reference zero. Do you know
09:54:53AM 5 what that means?

6 **MR. MARANGOLA:** Again objection, beyond the scope of
7 the testimony.

8 **THE COURT:** Sustained for the *voir dire* anyways.

9 **MR. VACCA:** I object to it, Your Honor.

09:55:03AM 10 **THE COURT:** Okay. Overruled. 1-78 will be
11 received.

12 (WHEREUPON, Government's Exhibit 1-78 was received
13 into evidence).

14 **BY MR. MARANGOLA:**

09:55:21AM 15 Q. If we can play this call 1-78. Mr. Figueroa, in this call
16 after your brother asks where are you, you say you're on your
17 way over there because Nio came to get her purse and the
18 slippers for Cartier. Can you tell us what you were referring
19 to?

09:56:51AM 20 A. His son, Cartier, my nephew.

21 Q. What were you doing? At the time of this call what were
22 you doing?

23 A. I was driving.

24 Q. You were driving the car or in a car?

09:57:00AM 25 A. I was in the car, but we was driving with Nio.

1 Q. And you were on your way to where?

2 A. To go get the -- to go sweep the slippers.

3 Q. To go what?

4 A. To go change the slippers.

09:57:13AM 5 Q. What do you mean?

6 A. We was gonna go to the store because we bought the
7 slippers for my nephew and I don't know if they was too big or
8 too small, we was gonna switch them and get another ones.

9 Q. Okay. And when your brother said the black guy now just
09:57:30AM 10 called me and I need you to meet him right now at Wendy's,
11 what did you understand your brother to be asking you to do?

12 **MR. VACCA:** Objection, Your Honor.

13 **THE COURT:** Overruled. Go ahead.

14 **THE WITNESS:** That one of the customers call and I
09:57:44AM 15 got to go see him, I got to go serve him some coke.

16 **BY MR. MARANGOLA:**

17 Q. And he said I need you to meet him right now at Wendy's.
18 What did you understand your brother to be referring to when
19 he said Wendy's?

09:57:55AM 20 A. The building at East Main that Obed live at.

21 Q. Why did you understand when he said Wendy's to be -- that
22 to be a code for the building where Obed lived at?

23 **MR. VACCA:** Objection, Your Honor.

24 **THE COURT:** Overruled. You can answer that.

09:58:08AM 25 **THE WITNESS:** That's where Obed do the packaging,

1 they use to take drugs there.

2 **BY MR. MARANGOLA:**

3 Q. How did you know when he said Wendy's which building that
4 meant?

09:58:18AM 5 A. Because in the building where Obed live at.

6 Q. Okay. Is there a Wendy's in proximity to the building
7 where Obed lived at?

8 A. Yeah, right next to it, Wendy's and East Main where Obed
9 live at, real close.

09:58:39AM 10 Q. Okay. Your response to your brother telling you that
11 was you said damn, and then you said let's turn around, go
12 down this way. Were you happy about what your brother had
13 just told you?

14 **MR. VACCA:** Objection, Your Honor.

09:58:51AM 15 **THE WITNESS:** No.

16 **THE COURT:** Overruled. Go ahead.

17 **THE WITNESS:** No.

18 **BY MR. MARANGOLA:**

19 Q. When you say let's turn around, go down this way, who were
09:58:57AM 20 you talking to?

21 A. Nio.

22 Q. When you said which black guy, what were you asking your
23 brother?

24 A. If it was Yelder or Marquis.

09:59:11AM 25 Q. And who did your brother tell you it was?

1 A. Marquis.

2 Q. When your brother told you to bring him a shoe, a tennis,
3 and then later on said a whole one, a whole shoe, tell the
4 jury what you understood your brother to be telling you to
09:59:33AM 5 bring Marquis.

6 A. Bring a whole kilo to Marquis.

7 Q. You said you weren't happy when he told you to do that.
8 Did you do it anyway?

9 A. Yes.

09:59:45AM 10 Q. Why not? I'm sorry, why?

11 A. Because I working for my brother. He's the boss and I got
12 to listen to what he tell me.

13 Q. All right. This call is at 3:34 p.m. I'd like to show
14 the pole camera clip from the compilation exhibit,

10:00:04AM 15 Government's Exhibit 22, for 3:45 at Barrington, approximately
16 nine minutes later. What are we seeing here?

17 A. Me and Nio arrive.

18 Q. Why are you arriving at 292 Barrington?

19 A. Because my brother told me to go get the kilo for Marquis.

10:00:32AM 20 Q. So why do you have to go to 292 Barrington to get a kilo
21 from Marquis?

22 A. That's the stash house, my brother stash house.

23 Q. Who got out of the passenger door and walked up to the
24 house?

10:00:45AM 25 A. Me.

1 Q. And the driver?

2 A. Nio.

3 Q. What are you going to get inside 292 when you enter?

4 A. A kilo of cocaine.

10:00:57AM 5 Q. All right. If we can fast forward to four minutes -- 4
6 minutes and 2 seconds into the clip. This is at 3:49 p.m.
7 What are we seeing here?

8 A. I walked out of the house and get in the car.

9 Q. Did you have anything with you when you came out of the
10:01:36AM 10 house and got into the car?

11 A. Yes.

12 Q. What did you get when you were in the house?

13 A. A kilo of cocaine.

14 Q. If we can fast forward to about 5:05. What are we seeing
10:02:20AM 15 happening here?

16 A. Me and Nio leaving the driveway.

17 Q. Where are you going now with the kilo?

18 A. To go meet Marquis.

19 Q. Where?

10:02:28AM 20 A. East Main.

21 Q. All right. If we could ask you to flip to tab to 1-79.

22 Are your initials on that transcript?

23 A. Yes.

24 Q. As well as 1-80. Look at the tab -- the next tab as well,
10:02:52AM 25 1-80.

1 A. Yes.

2 Q. Are your initials on that transcript as well?

3 A. Yes.

4 Q. Did you listen to both the calls corresponding to those
10:03:06AM 5 transcripts?

6 A. Yes.

7 Q. And who are the participants in each of those calls?

8 A. Me and my brother Javi.

9 Q. All right.

10 **MR. MARANGOLA:** I'd offer at this time, Your Honor,
11 the calls corresponding to 1-79 and 1-80.

12 **MR. VACCA:** Objection, Your Honor, relevancy,
13 foundation.

14 **THE COURT:** Overruled. Exhibit 1-79 and 1-80 will
10:03:29AM 15 be received.

16 (**WHEREUPON**, Government's Exhibit 1-79 and 1-80 were
17 received into evidence).

18 **BY MR. MARANGOLA:**

19 Q. If we could play the call 1-79. And the target number on
10:03:43AM 20 this is 8156; is that right?

21 A. Yes.

22 Q. All right. If we can play this call 1-79. All right, in
23 this call, Mr. Figueroa, when you told your brother she called
24 me and told me in the back where the kid lives, what were you
10:05:08AM 25 telling your brother?

1 A. I was referring to Leitscha, she call me and she tell me
2 where Obed live at the building.

3 Q. The back where the kid lives is the building at 820 East
4 Main where Obed lived?

10:05:24AM 5 A. Yes.

6 Q. All right. And, again, there's -- your brother said there
7 at Wendy's, at Wendy's, that's what you understood to be the
8 same location previously mentioned; is that right?

9 A. Yes.

10:05:42AM 10 Q. All right. If we could go to the -- from Government's
11 Exhibit 22, 3:58, at East Main, clip from the same day on East
12 Main. Do you see -- what are we looking at here just at 3:59
13 happened here?

14 A. Me and Nio arriving East Main.

10:06:19AM 15 Q. All right. If we can pause the video. You're in the
16 passenger seat; is that right?

17 A. Yes.

18 Q. And what do you have with you?

19 A. A kilo.

10:06:28AM 20 Q. And do you recognize any other vehicles in this clip
21 besides the vehicle you drove in?

22 A. Yes.

23 Q. What vehicle do you recognize? If you want to circle the
24 screen. You circled the dark vehicle to the -- next to the
10:06:54AM 25 passenger side of the silver Acura; is that right?

1 A. Yes.

2 Q. Whose vehicle is that?

3 A. Marquis.

4 Q. If you could clear your marks. If we could play that.

10:07:36AM 5 What just happened here?

6 A. The door opens. I think I went inside.

7 Q. I'm sorry, I didn't hear you.

8 A. That I went in the truck.

9 Q. The truck next to your vehicle?

10:07:51AM 10 A. Yes.

11 Q. And what happened in the truck?

12 A. I give Marquis the kilo.

13 Q. Do you remember if Marquis gave anything to you?

14 A. No.

10:08:09AM 15 Q. All right. If we could go to tab 1- -- actually, can we

16 fast forward approximately 30 seconds to 2 minutes. And what

17 are we seeing right there?

18 A. I'm getting out.

19 Q. You think you're getting out of the vehicle?

10:08:43AM 20 A. Yes.

21 Q. And the vehicle -- when you say the vehicle, what are you

22 referring to?

23 A. The black truck.

24 Q. All right. And at 4:01 what do you see here?

10:08:53AM 25 A. The truck is leaving.

1 Q. And the driver of that truck was Marquis?

2 A. Yes.

3 Q. All right. If we could pause it here and go to tab --
4 we're already at tab 1-80. I'd like to play this call.

10:09:56AM 5 Mr. Figueroa, this call -- the transcript here
6 reflects a call from your *maraca* to your brother's *maraca* at
7 4:03 p.m., approximately a minute after we saw Marquis leave
8 in that truck. Can you tell the jury why you made this call?

9 A. Yes.

10:10:18AM 10 Q. Go ahead.

11 A. To let him know that I already gave the kilo to Marquis, I
12 already serve him.

13 Q. And when you told your brother everything is good, what
14 were you telling him?

10:10:29AM 15 A. That I already give him the kilo.

16 Q. When your brother said stay around there until he calls so
17 you can pick up the things, tell the jury what you understood
18 your brother to be telling you.

19 A. To wait for him to --

10:10:45AM 20 **MR. VACCA:** Objection, Your Honor.

21 **THE COURT:** Overruled. You can finish the answer.

22 **THE WITNESS:** -- wait for him to give the money.

23 **BY MR. MARANGOLA:**

24 Q. Wait for who to give you the money?

10:10:54AM 25 A. Marquis. Wait for Marquis to give the money.

1 Q. Do you recall if you eventually got money that day?

2 A. I probably did, but I'm not sure.

3 Q. Okay. I'd like to show you, Mr. Figueroa, look at -- the
4 date of the call in that series of calls we just listened to
10:11:40AM 5 is on what day?

6 A. 1/19.

7 Q. January 19th, 2018?

8 A. Yes.

9 Q. And do you see an entry on Government's 693 for January
10:11:54AM 10 19th, 2018?

11 A. Yes.

12 Q. And does that reflect a kilogram being provided to Marquis
13 that day?

14 A. Yes.

10:12:06AM 15 Q. All right. And is there a quantity of money set forth with
16 respect to that kilogram?

17 A. Yes.

18 Q. What is it?

19 A. \$30,000.

10:12:16AM 20 Q. All right. If we could show you Government's 55 on the
21 Trial Director. And who is that individual?

22 A. Marquis.

23 Q. Is that the individual that you provided the kilo to in
24 the clip we just saw at 820 East Main on January 19th, 2018?

10:12:38AM 25 A. Yes.

1 Q. All right. In addition to Marquis, were there other -- you
2 testified, I believe, that there were other kilogram customers
3 of your brother Javi?

4 A. Yes.

10:13:01AM 5 Q. And who were some of them -- some of those kilogram
6 customers?

7 **MR. VACCA:** Objection, Your Honor, no foundation.

8 **THE COURT:** Overruled. Go ahead.

9 **THE WITNESS:** Noel Figueroa.

10:13:15AM 10 **BY MR. MARANGOLA:**

11 Q. I'd like to show you Government's 56. Do you recognize
12 that person?

13 A. Yes.

14 Q. That's who?

10:13:26AM 15 A. Noel Figueroa.

16 Q. Now, the person in Government's 56 has the same last name
17 as you and your brother Javi?

18 A. Yes.

19 Q. Are you related to him?

10:13:35AM 20 A. No.

21 Q. Okay. I'd like you to look at the call now behind tab
22 1-81. Are your initials on that transcript?

23 A. Yes.

24 Q. And did you listen to the call corresponding to that
10:14:00AM 25 transcript?

1 A. Yes.

2 Q. Now, the individual shown here in Government's 56 who you
3 identified as Noel Figueroa, in connection with your
4 involvement in this operation had you heard him speak in
10:14:12AM 5 person on multiple occasions as well?

6 A. Yes.

7 Q. And you're familiar with his voice?

8 A. Yes.

9 **MR. MARANGOLA:** At this time I'd offer the call
10:14:21AM 10 corresponding to 1-81.

11 **MR. VACCA:** Objection, Your Honor.

12 **THE COURT:** Overruled. 1-81 will be received.

13 (**WHEREUPON**, Government's Exhibit 1-81 was received
14 into evidence).

10:14:32AM 15 **BY MR. MARANGOLA:**

16 Q. And before we play the call, this call is at 4:33; is that
17 right?

18 A. Yes.

19 Q. If we could play from Government's Exhibit 22, the pole
10:14:46AM 20 camera compilation exhibit from the same day, January 19th,
21 2018 at 4:32 at Burbank.

22 Did you see a vehicle pull in front of your
23 brother's house at 6 Burbank?

24 A. Yes.

10:15:12AM 25 Q. Do you recognize that vehicle?

1 A. No.

2 Q. All right. And if we can fast forward to approximately 48
3 seconds in. Well, actually we'll pause it right here. At
4 4:33, you see the time there, Mr. Figueroa?

10:15:35AM 5 A. Yes.

6 Q. Now, if we could play the call corresponding to tab 1-81,
7 which is 4:33:24, the time. Mr. Figueroa, this was an
8 incoming call to your brother's *maraca*; is that correct?

9 A. Yes.

10:16:12AM 10 Q. And it's from 465-3695; is that right?

11 A. Yes.

12 Q. All right. If we could go back to that pole camera clip,
13 the 4:32 clip from Burbank, and start it at 1:24 -- I'm sorry,
14 yes, 1:24. What are you seeing there?

10:16:53AM 15 A. They're backing up the car.

16 Q. The car is backing up?

17 A. Yes.

18 Q. And backing up the wrong way down Burbank; is that right?

19 A. Yes.

10:17:05AM 20 Q. All right. If we could fast forward to 2 minutes and 49
21 seconds. If we could pause it here. You recognize -- did you
22 see an individual get out of that car that pulled in front of
23 6 Burbank?

24 A. Yes.

10:17:31AM 25 Q. Who do you recognize that person to be?

1 A. Noel.

2 Q. Noel Figueroa?

3 A. Yes.

4 Q. And do you also see a vehicle coming down the street at
10:17:41AM 5 the same time that Noel Figueroa exited that car?

6 A. Yes.

7 Q. And that's what?

8 A. That's my brother Javi's truck.

9 Q. If we could play that. Your brother pulled into the
10:18:03AM 10 driveway at 6 Burbank?

11 A. Yes.

12 Q. And where does Noel Figueroa go?

13 A. He's walking toward my brother truck in the driveway.

14 Q. And he walked up the driveway?

10:18:17AM 15 A. Yes.

16 Q. Out of view of the camera; is that right?

17 A. Yes.

18 Q. Okay. Mr. Figueroa, I'd like to --

19 **MR. MARANGOLA:** -- Judge, at this time I'm going to
10:18:32AM 20 offer the text message corresponding to tab 1-88, which the
21 foundation was laid by Investigator Briganti for and Ms. Soto
22 Abbate, it's a Spanish text message that has the initials BSA
23 on the bottom.

24 **MR. VACCA:** I would object, Your Honor, there's
10:19:10AM 25 apparently a text message coming in, but there's no foundation

1 for that.

2 **THE COURT:** The foundation was previously laid by
3 Investigator Briganti. Overruled. 1-88 will be received.

4 (**WHEREUPON**, Government's Exhibit 1-88 was received
10:19:23AM 5 into evidence).

6 **BY MR. MARANGOLA:**

7 Q. Mr. Figueroa, before you flip to that, keep your hand on
8 the call that we were at, 1-81, okay? If you can flip to tab
9 1-88 that was just received -- that's an incoming text message
10:19:42AM 10 to your brother's *maraca*; is that right?

11 A. Yes.

12 Q. And the translation says this is Noel, let me know so I
13 can see you; is that correct?

14 A. Yes.

10:19:51AM 15 Q. And the text message was sent from 465-3695; is that
16 right?

17 A. Yes.

18 Q. Now, can you go back to tab 1-81 and tell us is that the
19 same or different number than called your brother in the call
10:20:12AM 20 we just heard?

21 A. Yes.

22 Q. Well, is it the same or different number?

23 A. It's the same number.

24 Q. Okay. That's the next day, right? 1-88, January 20th?

10:20:31AM 25 A. Yes.

1 Q. All right.

2 **MR. MARANGOLA:** I'm going to get into a series with
3 respect to a transaction, Judge. If the Court wants I can
4 keep going, or if the Court thinks it's a good time for a
10:20:42AM 5 break --

6 **THE COURT:** Yes, at this time, ladies and gentlemen,
7 we'll take a recess. In the meantime, do not discuss the
8 matter or allow anybody to discuss the matter with you. Jury
9 may step down.

10:55:09AM 10 (**WHEREUPON**, there was a pause in the proceeding).

11 (**WHEREUPON**, the defendant is present).

12 **THE COURT:** Ready to proceed, bring the jury out.

13 (**WHEREUPON**, the jury is present).

14 **THE COURT:** You may continue.

11:11:18AM 15 **MR. MARANGOLA:** Thank you, Your Honor.

16 **BY MR. MARANGOLA:**

17 Q. Mr. Figueroa, we left off on January 20th, we've been
18 discussing Noel Figueroa, the tab 1-88 was a text message
19 to -- are you at that tab?

11:11:45AM 20 A. Yes.

21 Q. That's a text message stating this is Noel to Javi's
22 *maraca*; is that right?

23 A. Yes.

24 Q. He says let me know so I can see you, correct?

11:11:59AM 25 A. Yes.

1 Q. We can now go to 1-93. Tell us are your initials on the
2 transcript behind tab 1-93?

3 A. Yes.

4 Q. And did you listen to the call corresponding to that
11:12:22AM 5 transcript?

6 A. Yes.

7 Q. And who are the participants in this call?

8 A. My brother Javi and Noel Figueroa.

9 Q. And this call is approximately 40 minutes after the
11:12:35AM 10 text message that we just saw; is that right?

11 A. Yes.

12 Q. And it's the same numbers; is that right?

13 A. Yes.

14 Q. And this time, however, it's an outgoing call from Javi to
11:12:47AM 15 Noel's number?

16 A. Yes.

17 **MR. MARANGOLA:** At this time I'd offer Government's
18 1-93.

19 **MR. VACCA:** Objection, Your Honor, foundation.

11:12:55AM 20 **THE COURT:** Overruled. Exhibit 1-93 will be
21 received.

22 (WHEREUPON, Government's Exhibit 1-93 was received
23 into evidence).

24 **BY MR. MARANGOLA:**

11:13:08AM 25 Q. If we could play this call, please. Mr. Figueroa, based

1 on your participation in this conspiracy and your familiarity
2 with the relationship between Javi and Noel, do you have an
3 opinion regarding the meaning of this conversation?

4 **MR. VACCA:** Objection, Your Honor, no foundation to
11:14:04AM 5 lay an opinion here or render an opinion.

6 **THE COURT:** Overruled. Go ahead.

7 **THE WITNESS:** Yes.

8 **BY MR. MARANGOLA:**

9 Q. Can you explain it?

11:14:11AM 10 A. My brother tell Noel that he's ready, the girl already
11 told him the box with the kilos arrive, that he ready to serve
12 him.

13 Q. He waiting -- he ready to serve him, is that what you
14 said?

11:14:24AM 15 A. Yes, my brother is ready to serve Noel.

16 Q. Okay. If we could go to 1-96. This call is the same day
17 approximately two hours later; is that right?

18 A. Yes.

19 Q. Are your initials on this call, this transcript?

11:14:51AM 20 A. Yes.

21 Q. Did you listen to the call corresponding to this
22 transcript?

23 A. Yes.

24 Q. And who are the participants in this call?

11:14:59AM 25 A. Me and my brother Javi.

1 Q. All right. And this call is an outgoing call from Javi's
2 personal phone to your personal phone; is that right?

3 A. Yes.

4 Q. All right. And before we play this call, I'd like to play
11:15:15AM 5 the pole camera footage from that same day, January 20th,
6 2018, at -- this call was at 1:37 p.m. Do you see that,
7 Mr. Figueroa; is that right?

8 A. Yes.

9 Q. I'd like to go to the pole camera footage for January
11:15:31AM 10 20th, starting -- the clip starting at 1:33 at Burbank. If we
11 can fast forward to the time of approximately 1:34:40 -- oops,
12 maybe -- that's fine. Do you see your brother's car in the
13 driveway here?

14 A. Yes.

11:16:02AM 15 Q. He's leaving his house and traveling down Burbank; is that
16 correct?

17 A. Yes.

18 Q. And that's a few seconds before 1:36 p.m.?

19 A. Yes.

11:16:39AM 20 Q. All right. If we could now play the call corresponding to
21 1-96.

22 **MR. MARANGOLA:** Judge, did I not move 1-96 in? I'm
23 sorry, I'd offer Government's 1-96.

24 **MR. VACCA:** Objection, Your Honor, foundation.

11:17:06AM 25 **THE COURT:** Overruled. 1-96 will be received.

1 (WHEREUPON, Government's Exhibit 1-96 was received
2 into evidence).

3 BY MR. MARANGOLA:

4 Q. Mr. Figueroa, when your brother said to you I have to go
11:18:34AM 5 see Noel for a minute, what did you understand him to mean?

6 A. That my brother gonna go sell him some drugs.

7 MR. VACCA: Objection, Your Honor.

8 THE COURT: Overruled. The answer will stand.

9 BY MR. MARANGOLA:

11:18:45AM 10 Q. If we could now go to tab 1-98.

11 MR. MARANGOLA: Judge, this is a text message for
12 which the foundation was previously testified to, so I would
13 offer the text message corresponding to 1-98.

14 MR. VACCA: I object to that, Your Honor, on grounds
11:19:14AM 15 of relevancy.

16 THE COURT: Overruled. 1-98 will be received.

17 (WHEREUPON, Government's Exhibit 1-98 was received
18 into evidence).

19 BY MR. MARANGOLA:

11:19:25AM 20 Q. Mr. Figueroa, this is an incoming text from the number we
21 previously saw used from Noel Figueroa to your brother Javi's
22 maraca; is that correct?

23 A. Yes.

24 Q. And it states I have the ticket of the two in my hand, I
11:19:41AM 25 am waiting for you. Do you have an opinion based on your

1 participation in this conspiracy as to the meaning of this
2 text message from Noel Figueroa to your brother Javi?

3 **MR. VACCA:** Objection, Your Honor.

4 **THE COURT:** Overruled. Go ahead. You can answer.

11:19:54AM 5 **THE WITNESS:** Yes.

6 **BY MR. MARANGOLA:**

7 Q. What is it?

8 **MR. VACCA:** Objection, Your Honor, no foundation for
9 rendering an opinion.

11:19:58AM 10 **THE COURT:** Overruled. Go ahead.

11 **THE WITNESS:** He say he got the money for the 2
12 kilos.

13 **BY MR. MARANGOLA:**

14 Q. Who says?

11:20:05AM 15 A. Noel.

16 Q. Okay. And then if we could play -- this text message was
17 at 1:57 p.m. If we could play the pole camera clip from
18 Government's Exhibit 22 at 1:59 p.m., two minutes later, at
19 Barrington. Can you tell us what we just saw there?

11:20:34AM 20 A. My brother GMC arrive at Barrington.

21 Q. And who did you see exit the GMC and walk up the driveway
22 at 292 Barrington?

23 A. My brother Javi.

24 Q. What happened there?

11:21:47AM 25 A. He walked inside.

1 Q. All right. And if you can flip to the next tab 1-99. Are
2 your initials on that transcript?

3 A. Yes.

4 Q. Did you listen to the call corresponding to this
11:22:06AM 5 transcript?

6 A. Yes.

7 Q. Who are the participants in this call?

8 A. My brother Javi and Noel Figueroa.

9 Q. And this call is approximately three minutes after we just
11:22:19AM 10 observed Javi enter 292 Barrington; is that right?

11 A. Yes.

12 Q. All right.

13 **MR. MARANGOLA:** At this time I'd offer the call
14 corresponding to 1-99.

11:22:29AM 15 **MR. VACCA:** Objection, Your Honor, no foundation.

16 **THE COURT:** Overruled. 1-99 will be received.

17 (**WHEREUPON**, Government's Exhibit 1-99 was received
18 into evidence).

19 **BY MR. MARANGOLA:**

11:22:39AM 20 Q. If we could play that call, please. Mr. Figueroa, based
21 on your participation and your familiarity with this operation
22 as well as with the relationship between Javi and Noel, do you
23 have an opinion as to to the meaning of this call?

24 **MR. VACCA:** Objection, Your Honor.

11:24:35AM 25 **THE COURT:** Overruled. You may answer.

1 **THE WITNESS:** Yes.

2 **BY MR. MARANGOLA:**

3 Q. What is it?

4 **MR. VACCA:** Objection.

11:24:39AM 5 **THE COURT:** Overruled. You may answer.

6 **THE WITNESS:** That my brother is telling Noel to --
7 tell his friend to hold. And Noel was telling my brother how
8 much was gonna be the price, and my brother say for his
9 friends, like always. And Noel was like if it was gonna be
11:24:59AM 10 29, 29,000. And my brother said no, three zero, 30, but for
11 him it was gonna be 29. Then Noel trying to explain to him --
12 and my brother say wait for your friend, hold in a moment.

13 **BY MR. MARANGOLA:**

14 Q. All right. When Javi said to Noel it's one for you and
11:25:18AM 15 another, what do you understand him to mean in that call?

16 A. That he's one kilo for him, for Noel.

17 Q. For who?

18 A. One kilo for Noel.

19 Q. And when Noel asks how much is the other, Javi responds
11:25:36AM 20 like always in the past, and Noel says at 9, and then Javi
21 later says no, three zero. What's that a reference to?

22 A. Noel asking him if he gonna pay like before 29,000, and my
23 brother say no, three zero, 30,000.

24 Q. And on the top of page 2 your brother said yours is two
11:25:58AM 25 eight, what do you understand your brother to be telling Noel

1 when he says yours is two eight?

2 A. That he giving Noel a smaller, he got to pay 28,000 for
3 his.

4 Q. What are we talking about? His what?

11:26:11AM 5 A. A kilo.

6 Q. When -- in the end of the -- toward the end of page 2 Javi
7 says put your friend on hold for three days, what did you
8 understand Javi to be telling Noel when he told Noel to put
9 his friend on hold for three days?

11:26:32AM 10 **MR. VACCA:** Objection, Your Honor, no foundation.

11 **THE COURT:** Overruled. You can answer.

12 **THE WITNESS:** He tell him -- telling Noel to tell
13 his friend to wait three days because the shipment from
14 Puerto Rico, the box from Puerto Rico, wait for kilos from
11:26:47AM 15 Puerto Rico.

16 **BY MR. MARANGOLA:**

17 Q. All right. If we can play now the pole camera footage for
18 the same day January 20th, 2018, for approximately -- at 1429,
19 about half an hour, a little less than a half hour after this
11:27:06AM 20 call. What are you seeing there, Mr. Figueroa?

21 A. I see Leitscha leaving with a book bag.

22 Q. Whose cars are still in front of 292?

23 A. My car, and my brother's truck.

24 Q. And what did Leitscha just get into?

11:27:34AM 25 A. Into her car.

1 Q. And she left at 2:30 as reflected on that; is that
2 correct?

3 A. Yes.

4 Q. All right. And, Mr. Figueroa, I'm going to direct your
11:28:05AM 5 attention to the monitor there. Do you see Government's
6 Exhibit 105 up there?

7 A. Yes.

8 Q. And this has on the bottom -- it's got a marking January
9 20th, 2018, and this was placed on by Investigator Briganti
11:28:23AM 10 concerning surveillance at 99 William Warfield Drive and
11 there's a time here. The first time is 2:40 p.m.; is that
12 right?

13 A. Yes.

14 Q. And it states to 2:52 p.m. Do you see that?

11:28:36AM 15 A. Yes.

16 Q. All right. If we could go to the next call, which is
17 1-100. Are your initials on that transcript?

18 A. Yes.

19 Q. Did you listen to the call corresponding to that
11:29:09AM 20 transcript?

21 A. Yes.

22 Q. All right. And who are the participants in this call?

23 A. My brother Javi and Noel Figueroa.

24 Q. And this reflects an incoming call from Noel Figueroa's
11:29:25AM 25 number to your brother Javi's *maraca*; is that right?

1 A. Yes.

2 **MR. MARANGOLA:** At this time I'd offer the call
3 corresponding to tab 1-100.

4 **MR. VACCA:** Objection, Your Honor.

11:29:37AM 5 **THE COURT:** Exhibit 1-100 will be received. The
6 objection is overruled.

7 (**WHEREUPON**, Government's Exhibit 1-100 was received
8 into evidence).

9 **BY MR. MARANGOLA:**

11:29:45AM 10 Q. And the time of this call, Mr. Figueroa, is at 2:46 p.m.;
11 is that correct?

12 A. Yes.

13 Q. And that's in between the times that we just saw on the
14 surveillance notes from Investigator Briganti between 2:40 and
11:30:02AM 15 2:52; is that right?

16 A. Yes.

17 Q. All right. Now if we could now play this call.

18 Mr. Figueroa, based on your participation in this conspiracy
19 and familiarity with the operation, including Javi's
11:31:19AM 20 relationship with Noel, do you have an opinion regarding the
21 meaning of this call?

22 A. Yes.

23 Q. All right. When Noel said -- at 2:46 p.m. he said you sent
24 me only one, what did you understand Noel to be referring to?

11:31:38AM 25 **MR. VACCA:** Objection, Your Honor.

1 **THE COURT:** Overruled.

2 **THE WITNESS:** My brother Javi only send one kilo of
3 cocaine.

4 **BY MR. MARANGOLA:**

11:31:46AM 5 Q. How did your brother send Noel one kilogram of cocaine?

6 A. With Lei.

7 Q. And what did you understand Javi's response to Noel in
8 this call after Noel asked you sent me only one? What did you
9 understand your brother to be telling him?

11:32:07AM 10 A. I don't understand the question.

11 Q. Well, when Javi told him after I tell his guy to wait and
12 your guy to wait until Tuesday, you understand me, what did
13 you understand your brother to be telling Noel?

14 A. That he tell Noel he put on hold and --

11:32:26AM 15 **MR. VACCA:** Objection, Your Honor.

16 **THE COURT:** Overruled. Go ahead.

17 **THE WITNESS:** He tell Noel to put his friend on hold
18 until Tuesday when the other coke arrive. That's the time
19 when the other coke arrive.

11:32:38AM 20 **BY MR. MARANGOLA:**

21 Q. When Noel said my buddy already gave me the money, okay,
22 okay, I'll give this to my buddy and I be left with none, what
23 did you understand Noel to be telling Javi then?

24 A. That he tell my brother that the guy already paid the
11:32:53AM 25 money for the kilo, that he prefer to give the kilo that was

1 supposed to be for him give to his friend, he's gonna be with
2 nothing.

3 Q. Noel already had the money for both the kilos -- his and
4 the one for his friend?

11:33:07AM 5 A. Yes.

6 Q. When your brother then said I'll tell her, give it to her,
7 that she'll bring it back to me, look, give her -- pay
8 attention, give her the tickets now and she will bring you the
9 other, she'll bring you the other. What did you understand
10 your brother to be telling Noel?

11:33:26AM

11 **MR. VACCA:** Objection, Your Honor.

12 **THE COURT:** Overruled. Go ahead.

13 **THE WITNESS:** My brother is telling Noel to give the
14 money to Leitscha -- he said the tickets, it's referring to
15 the money -- give your money to Leitscha and she gonna go back
16 to Barrington and give the other kilo to him.

11:33:37AM

17 **BY MR. MARANGOLA:**

18 Q. All right. And this was at 2:46 p.m.; is that correct?

19 A. Yes.

11:33:48AM

20 Q. All right. And if we can now play the pole camera footage
21 at Barrington the same day at approximately 13 minutes later,
22 2:59. What do we see happening there?

23 A. Leitscha arrive at Barrington.

24 Q. What is she doing?

11:34:30AM

25 A. She going inside, she going inside the house Barrington.

1 Q. All right. Then if we can pause it here. Go to the next
2 clip at 3 o'clock, less than a minute later, what are we
3 seeing here?

4 A. Leitscha walking out of 292 Barrington with a book bag.

11:35:02AM 5 Q. At the time she came in and then went out during that less
6 than a minute, who was inside?

7 A. Yes, and my brother.

8 Q. And what did Lei bring out with her in the book bag when
9 she came out less than a minute later after pulling in?

11:35:16AM 10 A. A kilo of cocaine.

11 Q. And what do we see her do there?

12 A. Excuse me?

13 Q. At the end of the clip what did we see Leitscha do?

14 A. She just left.

11:35:29AM 15 Q. All right. And then I'd like you to look at your screen
16 there from the visualizer, that clip we just saw ended at
17 approximately 3 o'clock.

18 And Government's 105 reflects surveillance
19 observations at William Warfield Drive starting at 3:10 to
11:35:48AM 20 3:15 p.m. on January 20th, 2018. Do you see that?

21 A. Yes.

22 Q. All right. And then the last observation was 3:15 p.m. at
23 William Warfield; is that correct? According to the exhibit?

24 A. Yes.

11:36:09AM 25 Q. If we could then play the pole camera from 292 Barrington

1 at 3:26, approximately nine minutes after that last
2 surveillance observation. And what are we seeing there?

3 A. Leitscha arrive at Barrington.

4 Q. And who is still at Barrington when Leitscha just arrived
11:36:34AM 5 back?

6 A. Me and my brother.

7 Q. All right. Mr. Figueroa, how many kilograms was Noel
8 Figueroa provided that day?

9 A. Two.

11:37:02AM 10 Q. If I could ask you to look at the monitor -- Ms. Rand, can
11 we play the -- thank you. And the date that we've been
12 talking about is what day, Mr. Figueroa?

13 A. 1/20/18.

14 **THE COURT:** What exhibit is this?

11:37:32AM 15 **MR. MARANGOLA:** I'm sorry, thank you, Judge. This
16 is 693.

17 **THE COURT:** Thank you.

18 **BY MR. MARANGOLA:**

19 Q. January 20th, 2018?

11:37:40AM 20 A. Yes.

21 Q. You see an indication on January 20th, 2018, for Noel?

22 A. Yes.

23 Q. And what does that reflect?

24 **MR. VACCA:** Objection, Your Honor, there's no
11:37:56AM 25 foundation.

1 **THE COURT:** Overruled. Go ahead.

2 **THE WITNESS:** That Noel paid 28,000.

3 **BY MR. MARANGOLA:**

4 Q. For?

11:38:03AM 5 A. A kilo of cocaine.

6 Q. All right. And right below that also the same day of
7 January 20th, 2018, is there the letters N-O-E as well?

8 A. Yes.

9 Q. And is there a quantity or a price next to his name on
11:38:21AM 10 that portion of the ledger?

11 A. Yes.

12 Q. And what is it?

13 **MR. VACCA:** Objection, Your Honor.

14 **THE WITNESS:** 29,000.

11:38:27AM 15 **THE COURT:** Overruled. The answer will stand.

16 **BY MR. MARANGOLA:**

17 Q. All right. Now, in the call we just heard between Noel
18 and your brother Javi, Javi told Noel to wait until Tuesday.
19 Do you recall that?

11:38:59AM 20 A. Yes.

21 Q. Ms. Rand, if we could show the jury the visualizer? We
22 have Government's 8A on the visualizer. What's the first
23 Tuesday after January 20th? What's the date?

24 A. The 2nd.

11:39:23AM 25 Q. The first Tuesday?

1 A. I don't understand.

2 Q. Do you see this date right here?

3 A. Yes, 23.

4 Q. That's a Tuesday?

11:39:39AM 5 A. Yes.

6 Q. And that's the first Tuesday after Saturday the 20th?

7 A. Yes.

8 Q. And that's January 23rd; is that right?

9 A. Yes.

11:39:50AM 10 Q. All right. If we could go to tab 1-85. Mr. Figueroa, are
11 your initials -- let me know when you get to tab 1-85.

12 A. Yes.

13 Q. I'd like you to look at tab 1-85 and 1-86 and tell me if
14 your initials are on each of those transcripts?

11:40:38AM 15 A. Yes.

16 Q. Did you listen to the calls corresponding to each of those
17 transcripts?

18 A. Yes.

19 Q. And who are the speakers in those calls?

11:40:53AM 20 A. This is Tasha, Freddie's wife; Freddie Silva; and my
21 brother Javi.

22 Q. That's in 1-85?

23 A. Yes.

24 Q. What about in 1-86? Who are the speakers in that call?

11:41:12AM 25 A. Leitscha and Freddie Silva.

1 Q. All right. I believe you mentioned in your previous
2 testimony you knew who Freddie Silva was; is that right?

3 A. Yes.

4 Q. And you spoke to him personally?

11:41:25AM 5 A. Yes.

6 Q. And you observed him speak in person to you?

7 A. Yes.

8 Q. And so you're familiar with his voice as well?

9 A. Yes.

11:41:31AM 10 Q. How about Freddie's wife?

11 A. Yes.

12 Q. Have you spoken to her or seen her speak in person?

13 A. Yes.

14 Q. On multiple occasions as well?

11:41:42AM 15 A. Yes.

16 Q. All right.

17 **MR. MARANGOLA:** At this time, I'd offer the calls
18 corresponding to 1-85 and 1-86 as well as the text message
19 1-87, which is -- for which the foundation has previously been
20 testified to by Investigator Briganti.

11:42:08AM

21 **MR. VACCA:** I would object to all three, Your Honor,
22 on grounds of relevancy, incompetent, immaterial based on
23 those grounds, Your Honor.

24 **THE COURT:** Overruled. Exhibits 1-85, 1-86, 1-87
25 will be received.

11:42:25AM

1 (WHEREUPON, Government's Exhibits 1-85, 1-86 and
2 1-87 were received into evidence).

3 BY MR. MARANGOLA:

4 Q. All right, Mr. Figueroa, with respect to 1-85, this is an
11:42:40AM 5 incoming call to your brother Javi's personal phone; is that
6 right?

7 A. Yes.

8 Q. And the incoming call number -- area code is 787. Do you
9 see that?

11:42:51AM 10 A. Yes.

11 Q. What area code is 787?

12 A. That's area code from Puerto Rico.

13 Q. All right. If we could play Government's 1-85, the call
14 corresponding to that. If we can flip to 1-86. This call
11:43:41AM 15 before we play, it is approximately five seconds after the
16 call that we just listened to between Freddie Silva and your
17 brother's personal phone; is that right?

18 A. Freddie Silva's wife.

19 Q. I'm sorry, Freddie Silva's wife?

11:43:59AM 20 A. Tasha.

21 Q. Right. And Freddie was in the background in that call; is
22 that correct?

23 A. Yes.

24 Q. Okay. So let's play the next call 1-86, approximately five
11:44:09AM 25 seconds later. Mr. Figueroa, so this call is an incoming call

1 to -- is this Leitscha Poncedeleon's personal number that we
2 looked at yesterday?

3 A. Yes.

4 Q. So five seconds after Freddie called Javi's personal
11:45:18AM 5 phone, a different number called Leitscha's personal phone; is
6 that right?

7 A. Yes.

8 Q. Now, in the call that's behind 1-86 Freddie said Edgar's
9 address, the zip code is different. Did you see that?

11:45:40AM 10 A. Yes.

11 Q. Do you have any idea what he's referring to when he says
12 Edgar's address?

13 A. Yes, one of the addresses with the box of kilos go to.

14 Q. Okay. If we could flip to tab 1- -- hold this tab if you
11:46:01AM 15 could, if we could flip to 1-35, which I believe was
16 previously received.

17 **THE COURT:** I don't have 1-35 as received.

18 **MR. MARANGOLA:** You do not have it received, Judge?
19 I'm sorry, 1-35.

11:46:37AM 20 **THE COURT:** Do you have it as received? I don't.

21 **THE CLERK:** It was a transcript or text message?

22 **MR. MARANGOLA:** Text message.

23 **THE COURT:** 1-35-7.

24 **MR. MARANGOLA:** Judge, then I would offer both 1-35
11:46:57AM 25 and --

1 **THE COURT:** I'm mistaken, it was received early on.

2 **MR. MARANGOLA:** Yes.

3 **THE COURT:** 1-35-7.

4 **MR. MARANGOLA:** Thank you.

11:47:04AM 5 **BY MR. MARANGOLA:**

6 Q. Mr. Figueroa, do you have 1-35?

7 A. Yes.

8 Q. And that was an MMS message, an outgoing message to
9 Freddie Silva's number, the same number we just saw; is that
10 right? The 787?

11:47:20AM

11 A. Yes.

12 Q. From Leitscha's number?

13 A. Yes.

14 Q. And do you see the -- there's an address for Edgar A.

11:47:31AM

15 Rosario Alvarado. Do you see that?

16 A. Yes.

17 Q. And it's 157 Depew Street, Rochester, New York 14608; is
18 that right?

19 A. Yes.

11:47:44AM

20 Q. And we just heard this call in which Freddie Silva said
21 Edgar's address, the zip code is different?

22 A. Yes.

23 Q. What's the zip code in the picture for Edgar's address
24 that Leitscha sent to him?

11:47:59AM

25 A. 14608.

1 Q. And at the end of the call that we just listened to, tab
2 1-86, Leitscha says I'll call you back on this number. Do you
3 see that?

4 A. Yes.

11:48:25AM 5 Q. Then let's go to the tab 1-87, which is two minutes later
6 from Leitscha's personal phone, and that's 4661 and that's an
7 outgoing message; is that correct?

8 A. Yes.

9 Q. The zip code in that text message that was sent is 14611?

11:48:54AM 10 A. Yes.

11 Q. Now, the outgoing text message for this number, the number
12 was a 939 number; is that right?

13 A. Yes.

14 Q. As well as the number that she called Freddie back on in
11:49:08AM 15 1-86 was also a 939?

16 A. Yes.

17 Q. That was different than the number he called Javi on five
18 seconds earlier?

19 A. Yes.

11:49:20AM 20 Q. All right. If we could go to --

21 **MR. MARANGOLA:** -- Judge, I'm going to sort of
22 expedite things, offer several text messages now for which the
23 foundation has previously been laid.

24 Those would be text messages 1-89, 1-90, 1-91,
11:50:05AM 25 1-98, and then 1-101 through and including 1-107. Then 1-109,

1 that's a missed call; and then 1-110, 1-113, 1-117, 1-122, and
2 1-123, all of which are text messages, and the sole one that I
3 identified as the missed call 1-109.

4 **THE COURT:** You did not include 108; is that right?

11:51:25AM 5 **MR. MARANGOLA:** That is right, Judge, 108 is a call.

6 **THE COURT:** Mr. Vacca?

7 **MR. VACCA:** What's that, Your Honor?

8 **THE COURT:** I'm asking you what your position is.

9 **MR. VACCA:** I would not object to this one, Your
11:52:10AM 10 Honor.

11 **THE COURT:** Okay. To all of them?

12 **MR. VACCA:** To all of them. I guess we're from 89,
13 90, 91, 98, 101, 107, 109, 111, 113, 117, 122, 123?

14 **THE COURT:** Yes. Did you start at 89?

11:52:33AM 15 **MR. VACCA:** I started at 89.

16 **MR. MARANGOLA:** Judge, I think he said 101 then 107.
17 It's 101 through and including 107.

18 **MR. VACCA:** 101, 02, 03, 04, 05, 06, but no 08,
19 right?

11:52:53AM 20 **MR. MARANGOLA:** Correct. Then 107, 109, 110, 113,
21 117, 122, and 123.

22 **MR. VACCA:** Yes.

23 **MR. VACCA:** No objection.

24 **THE COURT:** Okay, based on that Exhibits 1-89, 1-90,
11:53:09AM 25 1-91, 1-98, 1-101, 1-102, 1-103, 1-104, 1-105, 1-106, 1-107,

1 1-109, 1-110, 1-113, 1-117, 1-122, and 1-123 will be received.

2 (WHEREUPON, Government's Exhibits 1-89, 1-90, 1-91,
3 1-98, 1-101, 1-012, 1-103, 1-104, 1-105, 1-106, 1-107, 1-109,
4 1-110, 1-113, 1-117, 1-122 and 1-123 were received into
11:53:44AM 5 evidence.)

6 MR. MARANGOLA: Thank you, Judge.

7 MR. VACCA: Thank you, Your Honor.

8 BY MR. MARANGOLA:

9 Q. I'd like to publish, Mr. Figueroa, if you can flip to tab
11:53:51AM 10 1-101? This is an incoming text message on January 22nd to
11 Leitscha's 4661 phone number; is that correct?

12 A. Yes.

13 Q. And it states USPS, then there's a tracking number and
14 expected delivery on Monday, January 22nd, 2018?

11:54:37AM 15 A. Yes.

16 Q. If we could go to 1-104, which is another incoming text to
17 Leitscha's 4661 number on that same day January 22nd, and
18 that's again another US -- it says USPS, there's a tracking
19 number, this one ending in 81, and then it states expected
11:55:09AM 20 delivery on Monday, January 22nd, 2018?

21 A. Yes.

22 Q. And go to 106, and that's another -- third pretty much
23 identical text to Leitscha's 4661 number; is that right?
24 Except that the tracking number here ends in 51; is that
11:55:42AM 25 right?

1 A. Yes.

2 Q. All three saying expected -- the other one said expected
3 delivery Monday, January 22nd; and then this one, that 1-106,
4 states expected delivery by Tuesday, January 23rd; is that
11:55:58AM 5 right?

6 A. Yes.

7 Q. Now, if you can go to 1-107. And that indicates that's an
8 incoming text message again to Leitscha's number on January
9 22nd, this one is at 10:55 a.m.; is that correct?

11:56:36AM 10 A. Yes.

11 Q. And it indicates that the package with the tracking number
12 ending in 51 was delivered FRT DSK/REPTION January 22nd, 2018
13 at 10:55 a.m.; is that right?

14 A. Yes.

11:56:57AM 15 Q. All right. If we could go to Government's 795, which is
16 the Postal chart. You see the tracking number ending in 51,
17 the third one from the bottom in light blue?

18 A. Yes.

19 Q. That indicates a delivery date of January 22nd, 2018, to
11:57:25AM 20 360 St. Paul Street; is that right?

21 A. Yes.

22 Q. If we can go to 1-109. Are your initials on that
23 transcript?

24 A. Yes.

11:57:51AM 25 Q. And did you listen to the call corresponding to that

1 transcript?

2 A. Yes.

3 Q. And whose voice left a voicemail in that transcript?

4 A. Leitscha.

11:58:04AM 5 **MR. MARANGOLA:** At this time I'd offer the call
6 corresponding to 1-109.

7 **THE COURT:** Didn't we just receive that?

8 **MR. MARANGOLA:** That was not one that was received,
9 Judge. There's a voicemail on this one that wasn't a --

11:58:24AM 10 **THE COURT:** 1-109?

11 **MR. MARANGOLA:** I'm sorry, it was received. It was
12 received, yes.

13 **BY MR. MARANGOLA:**

14 Q. Mr. Figueroa, the outgoing call number from Leitscha's
11:58:48AM 15 number is 200-8285; is that correct?

16 A. Yes.

17 Q. If we could go to -- before we go to that, we'll play this
18 voicemail -- this missed call here 1-109. Leitscha said call
19 me so I can go see you; is that right?

11:59:30AM 20 A. Yes.

21 Q. All right. And the number she called, I'd like to you look
22 at Government's 494A, which is the extraction from the
23 defendant's personal cell phone, the number ending in 8057,
24 and the contact No. 21.

12:00:18PM 25 Do you see the number that Leitscha called on the

1 transcript call me so I can see you when she left that
2 message? Do you see that number she left at 200-8285 in this
3 contact?

4 A. Yes.

12:00:34PM 5 Q. What's the name of this contact in Javi's personal phone?

6 A. Bacalao, Tito Bacalao.

7 Q. And who is Tito Bacalao?

8 A. That was one of the people that was working the packages.

9 Q. If we can go to Government's 672C, which is the extraction
12:00:55PM 10 for Leitscha's personal phone 4661. Contact No. 13 in

11 Leitscha's personal phone is that same number; is that right?

12 A. Yes.

13 Q. And it's the same contact Bacalao Tito?

14 A. Yes.

12:01:52PM 15 Q. And do you remember where he lived?

16 A. He live in the building by St. Paul Street, it's apartment
17 buildings there.

18 Q. The building by St. Paul?

19 A. Yes.

12:02:06PM 20 Q. If we could go to tab 1-111 -- I'm sorry, 1-111. I'd ask
21 you to look at that and the next two transcripts, 1-112 and
22 1-113, and tell me if your initials are on each of those.

23 A. Yes.

24 Q. And did you listen to the calls corresponding to each of
12:02:49PM 25 those transcripts?

1 A. Yes.

2 Q. And who are the participants in each of those calls?

3 A. Leitscha and Tito Bacalao.

4 Q. All right.

12:03:07PM 5 **MR. MARANGOLA:** At this time I would offer the calls
6 corresponding to 1-111, 1-112 and 1-113.

7 **THE COURT:** 1-113 has already been received.

8 **MR. MARANGOLA:** Thank you. That's a text, yes.

9 **MR. VACCA:** Judge, I thought 111 was too.

12:03:29PM 10 **THE COURT:** No, 111 and 112 were not. 110 and 113
11 were.

12 **MR. VACCA:** Okay. I would object to that, Your
13 Honor.

14 **THE COURT:** Did the witness indicate he's familiar
12:03:40PM 15 with the voice of Tito? I don't remember hearing that.

16 **MR. MARANGOLA:** Yes, in the bottom row of
17 Government's Exhibit 26, he indicated he was one of the people
18 that he received -- that received packages for the operation
19 that he was familiar with. I can ask more questions regarding
12:03:57PM 20 it.

21 **THE COURT:** Yeah, go ahead.

22 **BY MR. MARANGOLA:**

23 Q. If we could pull up Government's Exhibit 26.

24 Mr. Figueroa, do you see the individual on Government's 26 who
12:04:23PM 25 you referred to as Tito Bacalao?

1 A. Yes.

2 Q. And can you touch the screen and show us which individual
3 you're referring to? And you've touched the photograph on the
4 bottom row on the far right; is that correct?

12:04:37PM 5 A. Yes.

6 Q. And how did you know Tito Bacalao?

7 A. We grow up with him in Puerto Rico.

8 Q. Who grew up with him?

9 A. My and my brothers.

12:04:47PM 10 Q. Including your brother Javi?

11 A. Yes.

12 Q. Was there a time he came to the United States?

13 A. Yes.

14 Q. And where did he live for a period of time in the United
15 States?

16 A. At my brother Javi's house, 6 Burbank.

17 Q. All right. And have you spoken to Tito Bacalao in person
18 or multiple occasions during the years you've known him?

19 A. Yes.

12:05:08PM 20 Q. And seen him speak face-to-face to others?

21 A. Yes.

22 Q. So you're familiar with his voice?

23 A. Yes.

24 Q. All right. And he was the individual you said lived near
25 or on St. Paul Street?

12:05:19PM

1 A. Yes, in apartment buildings.

2 Q. All right. We're going to show you Government's Exhibit 88
3 and 89. And do you recognize those apartment buildings?

4 A. Yes.

12:05:47PM 5 Q. What do you recognize those apartment buildings as?

6 A. That's where Tito live, used to live.

7 Q. Okay. All right.

8 **MR. MARANGOLA:** Based on that, Your Honor, I would
9 renew my offer for Government's 1-111 and 1-112.

12:06:08PM 10 **MR. VACCA:** Objection, Your Honor.

11 **THE COURT:** Overruled. Exhibits 1-111 and 1-112
12 will be received.

13 (**WHEREUPON**, Government's Exhibits 1-111 and 1-112
14 were received into evidence).

12:06:16PM 15 **BY MR. MARANGOLA:**

16 Q. And if we could play 1-111, please. If we could flip to
17 the next call and play the next call 1-112, which is
18 approximately 15 minutes after the call we just heard.

19 And then if we can flip to 1-113, that's a
12:09:07PM 20 text message from Leitscha's 4661 to the same number that
21 we've seen in the last two calls for Bacalao Tito, the
22 200-8285, and the translation of that text is here; is that
23 right?

24 A. Yes.

12:09:22PM 25 Q. Okay. Mr. Figueroa, based on your participation and

1 familiarity with this operation as well as the roles of
2 Leitscha and Bacalao Tito in this operation, do you have an
3 opinion about the meaning of the last calls and the texts we
4 just listened to?

12:09:37PM 5 A. Yes.

6 Q. And can you tell us what that is?

7 **MR. VACCA:** Objection, Your Honor, insufficient
8 foundation.

9 **THE COURT:** Overruled. Go ahead.

12:09:44PM 10 **THE WITNESS:** Leitscha call Tito Bacalao let him
11 know that the package of cocaine -- the box of cocaine arrive,
12 that it's in the office, that was she trying to find out what
13 time he was gonna come out.

14 And when he told her what time, it was gonna be too
12:09:57PM 15 late. So she was gonna go and meet him to pick the box up
16 with the 2 kilos of cocaine.

17 **BY MR. MARANGOLA:**

18 Q. From where?

19 A. From St. Paul.

12:10:08PM 20 Q. All right. And that last text message we just heard was
21 at -- we saw was 1:07 p.m. Can we go to the next tab 1-114?
22 Are your initials on that transcript?

23 A. Yes.

24 Q. And did you listen to the call corresponding to that
12:10:35PM 25 transcript?

1 A. Yes.

2 Q. And who are the participants in this call?

3 A. Me and Leitscha.

4 **MR. MARANGOLA:** At this time I'd offer the call
12:10:45PM 5 corresponding to 1-114.

6 **MR. VACCA:** Objection, Your Honor.

7 **THE COURT:** Overruled. Exhibit 1-114 will be
8 received.

9 (WHEREUPON, Government's Exhibit 1-114 was received
12:11:00PM 10 into evidence).

11 **BY MR. MARANGOLA:**

12 Q. If we could play that call. Mr. Figueroa, can you tell
13 us -- when Leitscha said after you asked her -- I'm sorry, you
14 said I'm here in my brother's house, what house are you
12:12:03PM 15 referring to?

16 A. 6 Burbank, my brother Javi's house.

17 Q. When you said it looks like my brother went out, you're
18 referring to who?

19 A. My brother Javi.

12:12:11PM 20 Q. What did Leitscha tell you in response to that?

21 A. She told me go help her because she was baby-sitting the
22 little girl who sleeping in the car, and for me to go help her
23 get the packages out of the car because they're heavy, the
24 kilos of cocaine, the boxes.

12:12:37PM 25 Q. Okay. I'd like to show -- did you know where your brother

1 was at the time of this call?

2 A. No.

3 Q. All right. If we could play the pole camera for this day
4 January 22nd, approximately six minutes after this call at

12:12:57PM 5 1:31. Do you recognize the vehicle pulling into the driveway
6 here at 292 Barrington at 1:31?

7 A. Yes.

8 Q. That's who?

9 A. That's Leitscha's car.

12:13:21PM 10 Q. And how did Leitscha pull into the driveway? Did she pull
11 in forwards or backwards?

12 A. Backwards.

13 Q. All right. If we can fast forward toward the end of the
14 clip. Does Leitscha still appear to be in the car here at

12:14:22PM 15 1:33?

16 A. Yes.

17 Q. All right. If we could then go to the next clip for
18 Barrington on that same date approximately two minutes later
19 at 1:35. Whose vehicle is that that just pulled in behind

12:14:46PM 20 Leitscha's?

21 A. My vehicle.

22 Q. Who is getting out of that car, the silver car behind
23 Leitscha's vehicle?

24 A. Me and Nio.

12:15:17PM 25 Q. Did you see anything that happened with respect to the

1 trunk of the Altima?

2 A. Yes.

3 Q. And what happened to the trunk of the Altima?

4 A. Lei opened the trunk.

12:15:37PM 5 Q. Is Lei outside of the vehicle at this point?

6 A. Yes.

7 Q. Where is she in relation to you?

8 A. I don't understand.

9 Q. At 1:36:31 p.m. what are you doing?

12:15:54PM 10 A. I'm taking out -- the box of kilos out of the trunk.

11 Q. Who just walked to the right?

12 A. Leitscha.

13 Q. What are you doing there with your fingers?

14 A. I don't know.

12:16:40PM 15 Q. Who just pulled in?

16 A. Nio, I probably told her come back, I was saying to her.

17 Q. Okay. What do you see happening now at 1:37?

18 A. Garage door open.

19 Q. Is that what you had been waiting for?

12:17:19PM 20 A. Yes.

21 Q. What did you just do there?

22 A. I just walk in the garage, inside the house.

23 Q. Did you have anything in your hand when you walked in?

24 A. Yes.

12:17:27PM 25 Q. What did you have?

1 A. The box with the kilos of cocaine.

2 Q. All right. If we can go to 1- -- unless the Court wants to
3 take a brief recess or I can keep --

4 **THE COURT:** Let's do that. Ladies and gentlemen, at
12:17:51PM 5 this time take a recess. In the meantime, do not discuss the
6 matter or allow anybody to discuss the matter with you. Jury
7 may step down.

8 (WHEREUPON, there was a pause in the proceeding.)

9 (WHEREUPON, the defendant is present).

12:26:08PM 10 **THE COURT:** You can bring the jury out.

11 (WHEREUPON, the jury is present).

12 **THE COURT:** You may continue.

13 **MR. MARANGOLA:** Thank you, Your Honor.

14 **BY MR. MARANGOLA:**

01:00:49PM 15 Q. Mr. Figueroa, the -- we had been on January 22nd, I showed
16 a clip at approximately 1:35 where you had brought in a box
17 of -- from Leitscha Poncedeleon's Acura into 292 -- I'm sorry,
18 her Altima into 292 Barrington. Do you recall that?

19 A. Yes.

01:01:13PM 20 Q. All right. And I'd like you to flip to tab 1-15 -- I'm
21 sorry, 1-115. Are your initials on that transcript?

22 A. Yes.

23 Q. Did you listen to the call corresponding to that
24 transcript?

01:01:43PM 25 A. Yes.

1 Q. Who are the participants in this call?

2 A. My brother Javi, Noel Figueroa, and Leitscha.

3 Q. All right. And this is an outgoing call from Javi's *maraca*
4 to the number that we had previously seen Noel Figueroa use,
01:01:59PM 5 the 465-3695; is that right?

6 A. Yes.

7 Q. All right.

8 **MR. MARANGOLA:** I'd offer the call corresponding to
9 1-115.

01:02:09PM 10 **MR. VACCA:** Objection, Your Honor.

11 **THE COURT:** Overruled. 1-115 will be received.

12 (**WHEREUPON**, Government's Exhibit 1-115 was received
13 into evidence).

14 **BY MR. MARANGOLA:**

01:02:20PM 15 Q. If we could play this call. Mr. Figueroa, based on your
16 participation in this operation and your familiarity with the
17 relationship between Javi and Noel, can you tell us do you
18 have an opinion as to what Javi was calling to tell Noel
19 during this conversation?

01:03:29PM 20 **MR. VACCA:** Objection, Your Honor.

21 **THE COURT:** Overruled. Go ahead, answer.

22 **THE WITNESS:** He was calling -- he was calling Noel
23 let him know that the kilos arrive and they arrive real quick,
24 and told him to get his buddies ready.

01:03:42PM 25 **BY MR. MARANGOLA:**

1 Q. What does that mean?

2 A. To get his customers ready for the kilos.

3 Q. For Noel to get his customers ready?

4 A. Yes.

01:03:55PM 5 Q. Okay. If you could flip to tab 1-129? Are your initials
6 on that transcript?

7 A. Yes.

8 Q. Did you listen to the call corresponding to that
9 transcript?

01:04:20PM 10 A. Yes.

11 Q. Who is this call between?

12 A. My brother Javi and Noel Figueroa.

13 Q. And these are the same numbers on the call we just
14 previously saw; is that right?

01:04:34PM 15 A. Yes.

16 Q. And this is an outgoing call from Javi's *maraca* to the
17 number Noel Figueroa used?

18 A. Yes.

19 Q. And it's approximately seven hours later on the same day
01:04:47PM 20 of January 23rd?

21 A. Yes.

22 **MR. MARANGOLA:** At this time I'd offer the call
23 corresponding to 1-129.

24 **MR. VACCA:** Objection, Your Honor.

01:04:56PM 25 **THE COURT:** Overruled. Exhibit 1-129 will be

1 received.

2 (WHEREUPON, Government's Exhibit 1-129 was received
3 into evidence).

4 **BY MR. MARANGOLA:**

01:05:07PM 5 Q. If we can play that call, please. Mr. Figueroa, based on
6 your participation in this conspiracy and your familiarity
7 with the relationship between Javi and Noel Figueroa, do you
8 have an opinion as to what Javi was calling and telling
9 Mr. Figueroa in this call?

01:06:41PM 10 **MR. VACCA:** Objection, Your Honor.

11 **THE COURT:** Overruled. Go ahead. You may testify.

12 **THE WITNESS:** My brother was telling Noel that he
13 was gonna sell Noel -- Noel say he's only gonna keep half a
14 kilo for him because his buddy got the coke from someone else.
01:06:59PM 15 So my brother say all right. That was fine.

16 **BY MR. MARANGOLA:**

17 Q. What was the first part of your answer? I didn't
18 understand it. Noel was going to what?

19 A. That Noel -- my brother said he's ready. Noel say that he
01:07:14PM 20 got to go and pick up some money from everywhere because his
21 friend already got some coke. So the coke that he gonna get
22 now is now for Noel to give for his boys for himself and my
23 brother say yeah --

24 Q. All right.

01:07:29PM 25 A. -- they gonna serve him.

1 Q. That your brother is gonna serve Noel?

2 A. Yes.

3 Q. Okay. If we could show Government's Exhibit 693. The date
4 of this call we just listened to is January 23rd; is that
01:07:51PM 5 right, Mr. Figueroa?

6 A. Yes.

7 Q. And do you see the last entry above the ruler here next to
8 January 23rd when it says Noe?

9 A. Yes.

01:08:06PM 10 Q. Do you see a reference to Noel there --

11 A. Yes.

12 Q. -- And an amount? What's the amount that you see next to
13 his name?

14 A. 28,000.

01:08:16PM 15 Q. And then what's -- what does it indicate next to that?

16 A. Minus 28, that he's done, he's *pago*, he pay him.

17 Q. All right. The date of January 23rd again?

18 A. Yes.

19 Q. All right. Mr. Figueroa, did you continue meeting Orlando
01:08:50PM 20 Yelder to serve him cocaine in the weeks up until your arrest?

21 A. Yes.

22 Q. If we could go to later on this day, we're talking about
23 January 23rd, and play the pole camera at 10:51 p.m. on
24 January 23rd. If we can -- do you recognize anybody in this
01:09:40PM 25 video that we are looking at here?

1 A. Yes, that's me and Leitscha.

2 Q. That's at 10:51. You're getting in which vehicle?

3 A. Leitscha vehicle.

4 Q. All right. And you're leaving 292 Barrington?

01:10:04PM 5 A. Yes.

6 Q. All right. If we could then show the clip from that same
7 day January 23rd at 10:59. Do you recognize the vehicle that
8 just pulled in in that location?

9 A. Yes.

01:10:28PM 10 Q. And this is the Baden camera that we're looking at here.
11 Is this the location where you used to meet Yelder?

12 A. Yes.

13 Q. And what did you and Yelder refer to this location as?

14 **MR. VACCA:** Objection, Your Honor.

01:10:42PM 15 **THE COURT:** Overruled.

16 **THE WITNESS:** My sis house.

17 **BY MR. MARANGOLA:**

18 Q. All right. We're going to pause here and skip to the 11:23
19 p.m. clip on that same night at Baden. Do you recognize the
01:11:08PM 20 vehicle pulling in at 11:23 p.m.?

21 A. Yes.

22 Q. Whose vehicle is that?

23 A. Orlando Yelder.

24 Q. Do you recall if -- did you meet with Yelder that evening?

01:11:26PM 25 A. I probably did, but I don't remember.

1 Q. All right. I want you to keep looking at this camera.

2 We're at 11:24 p.m. on January 23rd?

3 A. Yes.

4 Q. Do you recognize anybody in that?

01:11:42PM 5 A. That's me.

6 Q. Where are you going?

7 A. I'm going to the other side of Yelder's car with a book
8 bag.

9 Q. All right. Do you recall what you -- what, if anything,
01:11:56PM 10 you gave Yelder that evening?

11 A. Coke.

12 Q. And whose coke was it that you gave him?

13 A. My brother Javi's coke.

14 Q. Do you recall how much you gave him?

01:12:08PM 15 A. I'm not sure, but I probably give him half a key.

16 Q. All right. We can pause it. I show you Government's 693.
17 Do you see above the ruler there, the transaction of January
18 23rd?

19 A. Yes.

01:12:39PM 20 Q. Does that refresh your memory as to how much you gave
21 Yelder in terms of cocaine that evening?

22 A. Yes.

23 Q. How much did you give him?

24 A. Eight 62.

01:12:50PM 25 Q. Does it indicate whether or not you got any money from

1 Yelder that evening?

2 A. Yes.

3 Q. How much did you get from Yelder that evening?

4 A. 4,000.

01:12:59PM 5 Q. Now, how much was the balance after that?

6 A. 12,000.

7 Q. And does it indicate the day that you were paid the 12,000
8 from Yelder?

9 A. Yes.

01:13:11PM 10 Q. What day?

11 A. 27.

12 Q. All right. By the way, on this -- next to the -- above
13 the line -- on the line we looked at there's a number 8 on the
14 far right; is that right?

01:13:28PM 15 A. Yes.

16 Q. And then a two above that; is that right?

17 A. Yes.

18 Q. And then a six?

19 A. Yes.

01:13:35PM 20 Q. Can you tell us what the six plus two plus eight equal?

21 A. 16.

22 Q. And how many 62s are in a kilo?

23 A. 16 62.

24 Q. Now, on the January 22nd line above here where it says

01:13:56PM 25 D-I-E-N-T, the G-A-L-L, what is that a reference to?

1 A. To Fangs, this guy that sell crack for my brother. Teeth.

2 Q. He's the guy that went by the nickname Fangs?

3 A. Yeah, Barbilla, Barba.

4 Q. Barba?

01:14:17PM 5 A. Yeah, Barbilla, it's the same person.

6 Q. And then there's a G-A-L-L. What is that an indication
7 of?

8 A. That's short for *galleta*.

9 Q. Which is?

01:14:24PM 10 A. Cookie.

11 Q. Cookie?

12 A. Yes.

13 Q. And then there's 444.6?

14 A. Yes.

01:14:30PM 15 Q. What's that an indication of?

16 A. The crack, the grams.

17 Q. Grams of what?

18 A. Of crack, of coke.

19 Q. Let's switch gears and move ahead to the evening of
01:14:51PM 20 January 26th, 2018. And if you could flip your binder to
21 1-162. Are your initials on that transcript?

22 A. Yes.

23 Q. And did you listen to the call corresponding to this
24 transcript?

01:15:32PM 25 A. Yes.

1 Q. And who are the speakers in that call?

2 A. My brother Javi, Leitscha, and Obed.

3 Q. And this is a call from Obed into Javi's *maraca*; is that
4 right?

01:15:46PM 5 A. Yes.

6 Q. And it's dated January 26th, 2018 at 8:07 p.m.?

7 A. Yes.

8 **MR. MARANGOLA:** I'd offer at this time the call
9 corresponding to 1-162.

01:15:59PM 10 **MR. VACCA:** Objection, Your Honor.

11 **THE COURT:** Overruled. Exhibit 1-162 will be
12 received.

13 (**WHEREUPON**, Government's Exhibit 1-162 was received
14 into evidence).

01:16:08PM 15 **BY MR. MARANGOLA:**

16 Q. If we could play this call. Mr. Figueroa, based on your
17 participation in this conspiracy and familiarity with the
18 relationship between Javi and Obed, do you have an opinion as
19 to the meaning of this call?

01:18:22PM 20 A. Yes.

21 Q. Can you tell us what your opinion is the meaning of this
22 call from Obed to Javi's *maraca*?

23 **MR. VACCA:** Objection, Your Honor, lack of
24 foundation to render an opinion.

01:18:33PM 25 **THE COURT:** Overruled. You may answer.

1 **THE WITNESS:** Obed waiting for my brother, that he
2 spotted somebody -- some kid from the J, Jay Street, that they
3 got a problem before, and he informed my brother he's in a
4 barber shop. And my brother asked him who is in the barber
01:18:51PM 5 shop. He said he's in the barber shop by himself. And Obed
6 telling my brother he don't get out of his car because he
7 don't got nothing on him, meaning he don't got no gun on him.
8 And my brother say come on over here and get it, come to his
9 house and come get the gun.

01:19:06PM 10 **BY MR. MARANGOLA:**

11 Q. When Obed said I don't know, I don't have anything on me,
12 but if you tell me, I will go get something fast, what did you
13 understand Obed to mean?

14 A. That he ain't got nothing on him, he ain't got no gun on
01:19:21PM 15 him, but if he tell him where to get it, he go get it.

16 Q. If who tells Obed?

17 A. My brother Javi.

18 Q. And then Javi's telling Obed come over here, where is he
19 telling Obed to go?

01:19:35PM 20 A. To his house.

21 Q. To Javi's house?

22 A. Yes.

23 Q. All right. If we can go to the next call 1-163. Are your
24 initials on this call in the next call 1-164?

01:20:00PM 25 A. Yes.

1 Q. Did you listen to the calls that correspond to both of
2 those transcripts?

3 A. Yes.

4 Q. And did you recognize the voices of the participants in
01:20:14PM 5 those calls?

6 A. Yes.

7 Q. With respect to 1-163, who are the participants in that
8 call?

9 A. Leitscha, my brother Javi and Tapon.

01:20:22PM 10 Q. And with respect to 1-164, who are the participants?

11 A. That's my brother Javi and Obed.

12 Q. All right. I believe 1-163 was previously received -- I'm
13 sorry, 1-163 was previously received. So before we play that
14 call, Mr. Figueroa, the call at 1-163 is seven minutes after
01:21:08PM 15 the call we just heard where Javi told Obed to come over and
16 get it; is that right?

17 A. Yes.

18 Q. All right. If we could play 1-163. Mr. Figueroa, based on
19 your participation in this conspiracy and familiarity with
01:22:09PM 20 this operation, do you have an opinion as to when Javi called
21 Tapon in this call and told him to get in the car and bring a
22 short one quickly, do you have an opinion as to what Javi was
23 referring to?

24 **MR. VACCA:** Objection, Your Honor, no foundation to
01:22:23PM 25 render an opinion.

1 **THE COURT:** Overruled.

2 **BY MR. MARANGOLA:**

3 Q. That means you can answer.

4 **THE COURT:** You can answer it.

01:22:31PM 5 **THE WITNESS:** Yes.

6 **BY MR. MARANGOLA:**

7 Q. What is your opinion?

8 A. He tell him get a gun real quick and come see him.

9 Q. Who is he?

01:22:38PM 10 A. My brother Javi.

11 Q. Told?

12 A. Tapon to get a gun real quick, get in his car and go see
13 him.

14 Q. What kind of gun?

01:22:47PM 15 A. A short gun, pistol.

16 Q. And how do you know that Javi was telling Tapon to bring a
17 pistol to him?

18 A. *Corta* is a word that we use, *corta*, it's a short one for
19 gun.

01:23:06PM 20 Q. All right. And then we can go to the next call which is
21 approximately 14 minutes later.

22 **THE COURT:** 1-164?

23 **MR. MARANGOLA:** Yes, Judge.

24 **THE COURT:** I don't have that as received.

01:23:19PM 25 **MR. MARANGOLA:** No, it wasn't. Just 1-163. I was

1 going to offer 1-164. Based on his previous testimony, he
2 identified that he had listened to it and that he had -- he
3 identified the participants in it.

4 **THE COURT:** Okay.

01:23:33PM 5 **MR. VACCA:** I'd object to it, Your Honor.

6 **THE COURT:** Overruled. 1-164 is received.

7 (**WHEREUPON**, Government's Exhibit 1-164 was received
8 into evidence).

9 **BY MR. MARANGOLA:**

01:23:42PM 10 Q. This is an incoming call from Obed's 4520 to Javi's 8156
11 *maraca*; is that correct?

12 A. Yes.

13 Q. All right. If we can play that call. All right. And if
14 we could go to the next tab 1-165, which is approximately five
01:24:33PM 15 minutes later. Are your initials on this transcript?

16 A. Yes.

17 Q. And did you listen to the call corresponding to this
18 transcript?

19 A. Yes.

01:24:45PM 20 Q. And did you recognize the voice of one of the participants
21 in this transcript?

22 A. Yes.

23 Q. And who was that?

24 A. That's my brother Javi.

01:24:52PM 25 Q. And this is an incoming call from the same phone number we

1 had previously heard; is that right?

2 A. Yes.

3 Q. To Javi's *maraca*, the 8156?

4 A. Yes.

01:25:04PM 5 **MR. MARANGOLA:** Your Honor, at this time I'd offer
6 the call corresponding to 1-165.

7 **MR. VACCA:** Objection, Your Honor.

8 **THE COURT:** 165 has unidentified male.

9 **MR. MARANGOLA:** Yes, Judge, it's not for the
01:25:18PM 10 identity of the person. Strictly for the fact that it was
11 made to the defendant at this time.

12 **MR. VACCA:** I'd object to that, Your Honor, it's
13 unidentified male. Unless we have a complete conversation,
14 there's no relevance.

01:25:31PM 15 **THE COURT:** Overruled. 1-165 will be received.

16 (**WHEREUPON**, Government's Exhibit 1-165 was received
17 into evidence).

18 **BY MR. MARANGOLA:**

19 Q. If we can play that. If we could now play pole camera
01:26:16PM 20 footage from that evening at 9:10 p.m. on January 26th. This
21 is --

22 **THE COURT:** 22; is that right?

23 **MR. MARANGOLA:** Judge, this clip -- that's what I
24 was just checking, we're playing this clip off of Government's
01:26:37PM 25 18, which is the hard drive for the Burbank camera.

1 **THE COURT:** Thank you.

2 **BY MR. MARANGOLA:**

3 Q. And it's at 9:10 p.m.. Mr. Figueroa, do you see a vehicle
4 backing out of 6 Burbank?

01:27:00PM 5 A. Yes.

6 Q. Whose vehicle is that?

7 A. That's my brother Javi GMC.

8 Q. That's about 30 minutes after the call we just heard where
9 someone called him and said they stopped me at the barber
01:27:11PM 10 shop, the police?

11 A. Yes.

12 Q. All right. And your brother's GMC just traveled down
13 Burbank; is that right?

14 A. Yes.

01:27:22PM 15 Q. If we could now play the pole camera footage from
16 Exhibit 22, the compilation for Burbank -- I'm sorry,
17 Barrington at 9:30 p.m., approximately 20 minutes later. And
18 who just arrived at Barrington at approximately 9:30?

19 A. Leitscha.

01:28:01PM 20 Q. If we could fast forward to approximately 8:06 in this
21 clip, 8 minutes and 6 seconds into this clip. This is at 9:38
22 p.m. at Barrington?

23 A. Yes.

24 Q. What do you see that just happened there?

01:28:34PM 25 A. My brother arrive.

1 Q. He parked up on the lawn?

2 A. Yes.

3 Q. And you recognize any individuals that exited the GMC?

4 A. Yes.

01:29:17PM 5 Q. How many people look like they exited?

6 A. Six people.

7 Q. Do you know who it was or could you not tell?

8 A. I can tell Nishy, my nephew, my brother.

9 Q. All right. If we could go to tab 1-166 and then 1-167,
01:29:49PM 10 both of which I believe are in evidence. Mr. Figueroa, are
11 your initials on both of these transcripts?

12 A. Yes.

13 Q. You listened to the calls corresponding to these?

14 A. Yes.

01:30:08PM 15 Q. All right. If we could first play 1-166. All right. When
16 Mr. Yelder said he was ready and you asked him for what, he
17 said the same thing, what did you understand him to mean?

18 A. For to serve him the coke that I gave him.

19 Q. Then if we can go to -- he was indicating that he was --
01:31:06PM 20 when he said ready, what did that mean?

21 A. That he got the money, he's ready.

22 Q. Okay. Were you planning to see him that night?

23 A. I'm not sure.

24 Q. Okay. Let's go to the next call 1-167, if we could play
01:31:27PM 25 that, which is at 10:25 that same even on January 26. We're

1 gonna pause it here.

2 Mr. Figueroa, in the beginning of this call you
3 told Mr. Yelder, yeah, he say he gonna deal with you tomorrow
4 because right now all the monkeys around, who are you
01:33:18PM 5 referring to when you said he?

6 A. My brother Javi.

7 Q. And why were you telling that to Yelder?

8 A. Because my brother tell me they stop somebody, the police
9 is around, the monkeys.

01:33:30PM 10 Q. Do you remember who your brother told you they stopped?

11 A. No.

12 Q. All right. When he told Yelder they stopped one of our
13 boys, it's hot right now, what were you telling him?

14 A. That they stopped one of my brother's worker.

01:33:45PM 15 Q. And were you telling him anything about a meeting time?
16 Were you going to meet him that night after this call or the
17 next day?

18 A. The next day.

19 Q. If we can go to 1-71. This I believe is also in evidence.
01:34:21PM 20 Are your initials on this transcript, Mr. Figueroa?

21 A. Yes.

22 Q. All right. Did you listen to the call corresponding to
23 this transcript?

24 A. Yes.

01:34:29PM 25 Q. And this is the next day after the calls we previously

1 heard; is that correct?

2 A. Yes.

3 Q. So this is dated January 27th?

4 A. Yes.

01:34:39PM 5 Q. This is between you and who?

6 A. Me and Yelder and Leitscha.

7 Q. All right.

8 **THE COURT:** Are you saying 1-71?

9 **MR. MARANGOLA:** 1-171.

01:34:50PM 10 **THE COURT:** 171.

11 **MR. MARANGOLA:** I believe that was received?

12 **THE COURT:** Yes.

13 **BY MR. MARANGOLA:**

14 Q. Can we play that call. All right, Mr. Figueroa, did you

01:35:47PM 15 meet Orlando Yelder that day January 27th anywhere?

16 A. Yes.

17 Q. Do you remember where you met him?

18 A. No.

19 Q. Do you remember if you gave him any cocaine and if he gave

01:36:04PM 20 you any money?

21 A. I think I did, but I'm not sure.

22 Q. Okay. I'm going to show Government's 693. And I flipped
23 the page to an entry -- you see above the ruler there an entry
24 on January 27th?

01:36:36PM 25 A. Yes.

1 Q. And does that refresh your memory as to whether you
2 provided Yelder any cocaine that day?

3 A. Yes.

4 Q. How much did you provide him?

01:36:47PM 5 A. Half a key.

6 Q. And does that refresh your memory as to how much he paid
7 you that day?

8 A. Yes.

9 Q. How much?

01:36:57PM 10 A. 4,000.

11 Q. All right.

12 **MR. MARANGOLA:** Judge, I see it's after 1:30. Do
13 you want me to keep going? I won't ask --

14 **THE COURT:** Members of the jury, at this time we're
01:37:19PM 15 going to recess until Monday at 8:30.

16 I want to go over the schedule again with you.
17 Next week we'll be in session Monday the normal time 8:30 to
18 1:30; Tuesday 8:30 to 12:45; Wednesday 8:30 until noon; we
19 will not be in session on Thursday and Friday, June 10th and
01:37:41PM 20 11th.

21 On Monday, June 14th we're going to start just a
22 little late, at 9 a.m. instead of 8:30, on that Monday the
23 14th, but I'll remind you about that next week as well.

24 You've heard a lot of testimony. It's not the time
01:37:56PM 25 to make up your mind or discuss the matter with anybody,

1 conduct any research on any issues. I know you have abided by
2 that during the past six weeks of this trial.

3 I want to thank you again for the attention you've
4 given to this case. I know you've paid very careful attention
01:38:09PM 5 throughout this trial. Please continue to abide by the
6 admonitions of the Court.

7 With that understanding the jury may step down
8 until Monday 8:30 a.m. Have a great weekend.

9 (WHEREUPON, proceedings adjourned at 1:38 p.m.)

10 * * *

11 CERTIFICATE OF REPORTER

12

13 In accordance with 28, U.S.C., 753(b), I certify that
14 these original notes are a true and correct record of
15 proceedings in the United States District Court for the
16 Western District of New York before the Honorable Frank P.
17 Geraci, Jr. on June 4th, 2021.

18

19 S/ Christi A. Macri

20 Christi A. Macri, FAPR-RMR-CRR-CSR(CA/NY)
21 Official Court Reporter

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